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ABSTRACT

The purpose of S. 195, the Emergency School Aid Act of 1971, is to provide financial assistance to meet the special needs incident to the elimination of minority group segregation and discrimination among students and faculty in elementary and secondary schools, and to encourage the voluntary elimination, reduction, or prevention of minority group isolation in elementary and secondary schools with substantial proportions of minority group students. There are authorized to be appropriated for carrying out this Act, not in excess of 500 million dollars for the fiscal year ending June 30, 1971, and not in excess of 1 billion dollars for the succeeding years. The purpose of S. 683, the Quality Integrated Education Act of 1971, is to provide financial assistance to encourage the establishment and maintenance of stable, quality integrated schools throughout the Nation, serving students from all backgrounds; and to aid schoolchildren to overcome the educational disadvantages of minority group isolation. There are authorized to be appropriated to the Commissioner, for the purpose of carrying out this Act, 500 million for the period beginning with the enactment of this Act and ending June 30, 1972, and 1 billion dollars for the fiscal year ending June 30, 1973. (JM)

ED0 54243

EMERGENCY SCHOOL AID, 1971

HEARINGS

BEFORE THE

SUBCOMMITTEE ON EDUCATION

OF THE

COMMITTEE ON
LABOR AND PUBLIC WELFARE
UNITED STATES SENATE

NINETY-SECOND CONGRESS

FIRST SESSION

ON

S. 195

TO ASSIST SCHOOL DISTRICTS TO MEET SPECIAL PROBLEMS INCIDENT TO DESEGREGATION, AND TO THE ELIMINATION, REDUCTION, OR PREVENTION OF MINORITY GROUP ISOLATION, IN ELEMENTARY AND SECONDARY SCHOOLS, AND FOR OTHER PURPOSES

S. 683

TO PROVIDE FINANCIAL ASSISTANCE FOR THE ESTABLISHMENT AND MAINTENANCE OF STABLE, QUALITY, INTEGRATED EDUCATION IN ELEMENTARY AND SECONDARY SCHOOLS AND TO ASSIST SCHOOL DISTRICTS TO OVERCOME THE ADVERSE EDUCATIONAL EFFECTS OF MINORITY GROUP ISOLATION, AND FOR OTHER PURPOSES

FEBRUARY 10, 25, 26, MARCH 12, 17, AND 18, 1971

Printed for the use of the Committee on Labor and Public Welfare

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EMERGENCY SCHOOL AID, 1971

WEDNESDAY, FEBRUARY 10, 1971

U.S. Senate,
Subcommittee on Education of the
Committee on Labor and Pubic Welfare,
Washington, D.C.

The subcommittee met at 10 a.m., pursuant to call, in room 4232, New Senate Office Building, Senator Claiborne Pell (chairman of the subcommittee) presiding.

Present: Senators Pell, Randolph, Kennedy, Mondale, Javits, Schweiker, Packwood, and Taft.

Committee staff members present: Stephen J. Wexler, subcommittee counsel, and Roy Millenson, minority professional staff member.

Senator **Pell**. The Subcommittee on Education will come to order.

Actually, from a technical viewpoint, the subcommittee has not been officially reconstituted, but this bill should be considered at as early a date as possible, and in order to do so, with the authority of the full committee, we are moving ahead.

Today we will hear the administration testimony on S. 195, the school desegregation assistance bill introduced by Senator Javits on behalf of the administration, and S. 683, introduced by Senator Mondale.

It is indicative of our priorities that the first hearing of the Education Subcommittee in the 92d Congress is concerned with school desegregation and integration, a subject that occupied much of our time last year. It is unfortunate that we were not able to bring out a measure. It is my hope that this year the lines will not be as tightly drawn, and we will be able to report out a bill in the very near future

We held 6 days of hearings last year, and without objection, I move that the information developed in last year's hearings be considered as part of this year's record.

Without objection, that will be done.

I do not believe that endless hearings will be of assistance in bringing out a bill, therefore the subcommittee has scheduled 2 more days of hearings in this matter, February 24 and 25, and it is the hope of the Chairman that the subcommittee will be willing to go into executive session shortly thereafter to try and hammer out a bill.

And in this regard, speaking as Chairman, I must say that progress in the last Congress was quite a disappointment. I had hoped that we could get out a bill. I would like to have seen this money spent for education, rather than many other causes, and yet I must also say, in all candor, that there is very little national support for either of the approaches, the administration's approach or the approach of the subcommittee.

I would hope that this time around, perhaps by merging some of the views of the opposing sides, we could generate a little more support in the country as a whole, in order to get the bill through Congress. There it is more than the subcommittee or the committee involved, there must be some national support if a bill of this type is to move through the Congress to the President's desk.

OPENING STATEMENT OF SENATOR JAVITS

Senator Javits.

Senator JAVITS. Thank you.

Thank you very much, Mr. Chairman. May I first thank the Chair, because I think he renders a signal service to the country in his willingness to move forward vigorously and immeidately to consider this legislation.

Mr. Chairman, the main question which the public should know is settled. The administration had budgeted $1,500 million. The subcommittee last year agreed that $1,500 million is what is required. Our only differences are how to spend it.

Now, that is a far cry from what happens in most of these cases, where you are not even on first base when you start. So I really believe that the prospects for the Chair's being able to preside over a successful bill are auspicious.

Secondly, Mr. Chairman, I have this time not joined as a cosponsor of the so-called Mondale bill, S. 683. I stated on the floor yesterday when that bill was introduced that I hoped that this course would enable me the better to work out a final bill. I do not believe that the administration and Senator Mondale are that far apart.

I do wish to pay tribute to Senator Mondale in the work that he has done, and the position that he has advocated, because I believe that the way in which we can get the public really interested in this whole question is on the issue of excellence in education.

The public does not seem to have its imagination fired by the questions of desegregation so long after the Supreme Court decision, but on excellence in education and the chance of every American child to get an even break when he starts. I think we can get the country in back of us. I think it is significant that the administration, with that clearly before it, nonetheless chose me as its sponsor for its particular bill. We have, I think, a real chance to be very creative and accomplish something of great significance to us all, and great credit to the President and the Secretary as well as to the Congress in this effort.

Mr. Chairman, I ask unanimous consent that I may include in the record my statement introducing the administration's bill, which I introduced with Senator Griffin, the deputy minority leader.

Senator PELL. Without objection. I also ask that Senator Mondale's be printed here with his statement.

(The material referred to follows:)

92d CONGRESS
1st Session

S. 195

IN THE SENATE OF THE UNITED STATES

January 26, 1971

Mr. Javits (for himself and Mr. Griffin) introduced the following bill; which was read twice and referred to the Committee on Labor and Public Welfare

---

A BILL

To assist school districts to meet special problems incident to desegregation, and to the elimination, reduction, or prevention of minority group isolation, in elementary and secondary schools, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Emergency School Aid Act of 1971".

PURPOSE

Sec. 2. The purpose of this Act is to provide financial assistance—

II

(a) to meet the special needs incident to the elimination of minority group segregation and discrimination among students and faculty in elementary and secondary schools, and

(b) to encourage the voluntary elimination, reduction, or prevention of minority group isolation in elementary and secondary schools with substantial proportions of minority group students.

APPROPRIATIONS

SEC. 3. (a) There are authorized to be appropriated for carrying out this Act not in excess of $500,000,000 for the fiscal year ending June 30, 1971, and not in excess of $1,000,000,000 for the succeeding fiscal year.

(b) Funds so appropriated shall remain available for obligation for one fiscal year beyond that for which they are appropriated.

ALLOTMENTS AMONG STATES

SEC. 4. (a) From the sums appropriated pursuant to section 3 for carrying out this Act for any fiscal year, the Secretary shall allot an amount equal to 80 per centum among the States by alloting to each State an amount which bears the same ratio to the balance of such 80 per centum of such sums as the aggregate number of children enrolled in schools in the State who are Negroes, American Indians, Oriental, Spanish-surnamed Americans, or members of other minority groups as determined by the Secretary, bears to the number of such children in all of the States, except that the amount allotted to any State shall not be less than $100,000. The remainder of such sums may be expended by the Secretary as he may find necessary or appropriate (but only for activities described in section 6 and in accordance with the other provisions of this Act) for grants or contracts to carry out the purpose of this Act. The number of such children in each State and in all of the States shall be determined by the Secretary on the basis of the most recent available data satisfactory to him.

(b) (1) The amount by which any allotment to a State for a fiscal year under subsection (a) exceeds the amount which the Secretary determines will be required for such fiscal year for programs or projects within such State shall be available for reallotment to other States in proportion to the original allotments to such States under subsection (a) for that year but with such proportionate amount for any such other States being reduced to the extent it exceeds the sum the Secretary estimates such State needs and will be able to use for such year; and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts were not so reduced.

Any amounts reallotted to a State under this subsection during a fiscal year shall be deemed part of its allotment under subsection (a) for such year.

(2) In order to afford ample opportunity for all eligible applicants in a State to submit applications for assistance under this Act, the Secretary shall not fix a date for reallotment, pursuant to this subsection, of any portion of any allotment to a State for a fiscal year which date is earlier than sixty days prior to the end of such fiscal year.

(3) Notwithstanding the provisions of paragraph (1) of this subsection, no portion of any allotment to a State for a fiscal year shall be available for reallotment pursuant to this subsection unless the Secretary determines that the applications for assistance under this Act which have been filed by eligible applicants in that State for which a portion of such allotment has not been reserved (but which would necessitate use of that portion) are applications which do not meet the requirements of this Act, as set forth in sections 6, 7, and 8, or which set forth programs or projects of such insufficient promise for achieving the purpose of this Act that their approval is not warranted.

ELIGIBILITY FOR FINANCIAL ASSISTANCE

SEC. 5. (a) The Secretary shall provide financial assistance by grant upon application therefor approved in accordance with section 7 to a local educational agency—

(1) which is implementing a plan—

(A) which has been undertaken pursuant to a final order issued by a court of the United States, or a court of any State, which requires the desegregation of minority group segregated students or faculty in the elementary and secondary schools of such agency, or otherwise requires the elimination or reduction of minority group isolation in such schools; or

(B) which has been approved by the Secretary as adequate under title VI of the Civil Rights Act of 1964 for the desegregation of minority group segregated students or faculty in such schools;

(2) which, without having been required to do so, has adopted and is implementing, or will, if assistance is made available to it under this Act, adopt and implement, a plan for the complete elimination of minority group isolation in all the minority group isolated schools in the school district of such agency; or

(3) which has adopted and is implementing, or will, if assistance is made available to it under this Act, adopt and implement, a plan—

(A) to eliminate or reduce minority group isolation in one or more of the minority group isolated schools in the school district of such agency.

(B) to reduce the total number of minority group children, who are in minority group isolated schools in such district,

(C) to prevent minority group isolation reasonably likely to occur (in the absence of assistance under this Act) in any school in such district in which school at least 10 per centum, but not more than 50 per centum, of the enrollment consists of such children, or

(D) to enroll and educate in schools which are not minority group isolated, minority group children, who would not otherwise be eligible for enrollment because of nonresidence in the school district of such agency, where such enrollment would make a significant contribution toward reducing minority group isolation.

(b) The Secretary is authorized to make grants to or contracts with, local educational agencies for unusually promising pilot programs or projects designed to overcome the adverse effects of minority group isolation by improving the academic achievement of children in one or more minority group isolated schools, if he determines that the local educational agency had a number of minority group children in average daily membership in the public schools, for the fiscal year preceding the fiscal year for which assistance is to be provided, (1) of at least fifteen thousand, or (2) constituting more than 50 per centum of such average daily membership of all children in such schools.

(c) In cases in which the Secretary finds that it would effectively carry out the purpose of this Act, he may assist by grant or contract any public or private nonprofit agency, institution, or organization (other than a local educational agency) to carry out programs or projects designed to support the development or implementation of a plan described in subsections (a) or (b).

(d) (1) No local educational agency shall be eligible for assistance under this Act if it has, after August 18, 1970—

(A) transferred (directly or indirectly by gift, lease, loan, sale, or other means) real or personal property to, or made any services available to any nonpublic school or school system (or any organization controlling, or intending to establish, such a school or school system) without prior determination that such nonpublic school or school system (i) is not operated on a racially segregated basis as an alternative for children seeking to avoid attendance in desegregated public schools, and (ii) does not otherwise practice, or permit to be practiced, discrimination on the basis of race, color, or national origin in the operation of any school activity;

(B) had in effect any practice, policy, or procedure which results (or has resulted) in the disproportionate demotion or dismissal of instructional or other personnel from minority groups in conjunction with desegregation or the establishment of an integrated school, or otherwise engaged in discrimination based upon race, color, or national origin in the hiring, promotion, or assignment of employees of the agency (or other personnel for whom the agency has any administrative responsibility);

(C) in conjunction with desegregation or the establishment of an integrated school, adopted any procedure for the assignment of students to or within classes which results in segregation of children for a substantial portion of the school day; or

(D) had in effect any other practice, policy, or procedure, such as limiting curricular or extracurricular activities (or participation therein by children) in order to avoid the participation of minority group students in such activities, which discriminates among children on the basis of race, color, or national origin;

except that, in the case of any local educational agency which is ineligible for assistance by reason of clause (A), (B), (C), or (D), such agency may make application for a waiver of ineligibility, which application shall specify the reason for its ineligibility, contain such information and assurances as the Secretary shall require by regulation in order to insure that any practice, policy, or procedure, or other activity resulting in the ineligibility has ceased to exist or occur and include such provisions as are necessary to insure that such activities do not reoccur after the submission of the application.

(2) (A) No local educational agency shall be eligible for a waiver under paragraph (1) if—

(i) it is ineligible by reason of clause (A), (B), (C), or (D) of paragraph (1) because of transactions, practices, policies, or procedures which existed or occurred after August 18, 1970; and

(ii) it has received assistance under the appropriation in the paragraph headed "Emergency School Assistance" in the Office of Education Appropriations Act, 1971 (Public Law 91-380).

(B) (i) In the case of any local educational agency which is ineligible for assistance under this Act by reason of subparagraph (A), such agency may make a special application for a waiver of its ineligibility, which application shall include (I) all the specifications, procedures, assurances, and other information required for a waiver under the exception set forth in paragraph (1), and (II) in addition, such other data, plans, assurances, and information as the Secretary shall require in order to insure compliance with this subparagraph (B).

(ii) The additional matters required by the Secretary under clause (II) of subparagraph (B) (i) shall at least include sufficient information as to enable the Secretary to properly evaluate the plan submitted by the applicant for a special waiver under this subparagraph (B) with respect to the merit of the program for which assistance is sought.

(3) Applications for waivers under paragraphs (1) and (2) may be approved only by the Secretary. The Secretary's functions under this paragraph shall, notwithstanding any other provision of law, not be delegated.

(4) No application for assistance under this Act shall be approved prior to a determination by the Secretary that the applicant is not ineligible by reason of this subsection. No waiver under paragraph (2) shall be granted until the Secretary has determined that the special applicant has submitted plan of extraordinary merit.

(5) All determinations pursuant to this subsection shall be carried out in accordance with criteria and investigative procedures established by regulations of the Secretary for the purpose of compliance with this subsection.

(6) All determinations and waivers pursuant to this subsection shall be in writing. The Committee on Labor and Public Welfare of the Senate and the Committee on Educa-

tion and Labor of the House of Representatives shall each be given notice of an intention to grant any waiver under this subsection, which notice shall be accompanied by a copy of the proposed waiver for which notice is given and copies of all determinations relating to such waiver. The Secretary shall not approve an application by a local educational agency which requires a waiver under this subsection prior to thirty days after receipt of the notice required by the preceding sentence by the chairman of the Committee on Labor and Public Welfare of the Senate and the chairman of the Committee on Education and Labor of the House of Representatives.

AUTHORIZED ACTIVITIES

SEC. 6. Financial assistance under this Act shall be available for programs or projects which would not otherwise be funded and which involve activities designed to carry out the purpose of this Act, including—

(1) remedial and other services to meet the special needs of children (including gifted and talented children) in schools which are affected by a plan described in section 5 or a program described in section 9 (b), when such services are deemed necessary to the success of such plan or program;

(2) the provision of additional professional or other staff members (including staff members specially trained

in problems incident to desegregation or the elimination, reduction, or prevention of minority group isolation) and the training and retraining of staff for such schools;

(3) comprehensive guidance, counseling, and other personal services for such children;

(4) development and employment of new instructional techniques and materials designed to meet the needs of such children;

(5) innovative intergroup educational programs or projects involving the joint participation of minority group children, and other children attending different schools, including extracurricular activities and cooperative exchanges or other arrangements between schools within the same or different school districts;

(6) repair or minor remodeling or alteration of existing school facilities (including the acquisition, installation, modernization, or replacement of equipment) and the lease or purchase of mobile classroom units or other mobile educational facilities;

(7) administrative and auxiliary services to facilitate the success of the program or project;

(8) community activities, including public education efforts in support of a plan described in section 5 or a program described in section 9 (b);

(9) special administrative activities, such as the rescheduling of students or teachers, or the provision of information to parents and other members of the general public, incident to the implementation of a plan described in section 5 or a program described in section 9 (b);

(10) planning and evaluation activities; and

(11) other specially designed programs or projects which meet the purpose of this Act.

CRITERIA FOR APPROVAL

SEC. 7. (a) In approving applications submitted under this Act (except for those submitted under section 9 (b)), the Secretary shall only apply the following criteria:

(1) the need for assistance, taking into account such factors as—

(A) the extent of minority group isolation (including the number of minority group isolated children and the relative concentration of such children) in the school district to be served as compared to other school districts in the State,

(B) the financial need of such school district as compared to other school districts in the State,

(C) the expense and difficulty of effectively carrying out a plan described in section 5 in such school district as compared to other school districts in the State, and

(D) the degree to which measurable deficiencies in the quality of public education afforded in such school district exceed those of other school districts within the State;

(2) the degree to which the plan described in section 5, and the program or project to be assisted, are likely to effect a decrease in minority group isolation in minority group isolated schools, or in the case of applications submitted under section 5 (a) (3) (C), the degree to which the plan described in section 5, and the program or project, are likely to prevent minority group isolation from occurring or increasing (in the absence of assistance under this Act);

(3) the degree to which the plan described in section 5 is sufficiently comprehensive to offer reasonable assurance that it will achieve the purpose of this Act;

(4) the degree to which the program or project to be assisted affords promise of achieving the purpose of this Act;

(5) that (except in the case of an application submitted under section 9 (a)) the amount necessary to carry out effectively the program or project does not

exceed the amount available for assistance in the State under this Act in relation to the other applications from the State pending before him; and

(6) the degree to which the plan described in section 5 involves to the fullest extent practicable the total educational resources, both public and private, of the community to be served.

(b) The Secretary shall not give less favorable consideration to the application of a local educational agency which has voluntarily adopted a plan qualified for assistance under this Act (due only to the voluntary nature of the action) than to the application of a local educational agency which has been legally required to adopt such a plan.

ASSURANCES

SEC. 8. (a) An application submitted for approval under section 7 shall contain such information as the Secretary may prescribe and shall contain assurances that—

(1) the appropriate State educational agency has been given reasonable opportunity to offer recommendations to the applicant and to submit comments to the Secretary;

(2) in the case of an application by a local educational agency, to the extent consistent with the number of children, teachers, and other educational staffs in the school district of such agency enrolled or employed

in private nonprofit elementary and secondary schools whose participation would assist in achieving the purpose of this Act, such agency (after consultation with the appropriate private school officials) has made provisions for their participation on an equitable basis;

(3) the applicant has adopted effective procedures, including provisions for such objective measurements of educational and other change to be effected by this Act as the Secretary may require, for the continuing evaluation of programs or projects under this Act, including their effectiveness in achieving clearly stated program goals, their impact on related programs or projects and upon the community served, and their structure and mechanisms for the delivery of services, and including, where appropriate, comparisons with proper control groups composed of persons who have not participated in such programs or projects;

(4) in the case of an application by a local educational agency, the applicant (A) has not, subsequent to the commencement of its 1969–1970 school year, unlawfully donated, leased, sold, or otherwise disposed of real or personal property or services to a nonpublic elementary or secondary school or school system practicing discrimination on the basis of race, color, or national origin, or has rescinded such transaction (or received

consideration in lieu thereof) in accordance with regulations of the Secretary; (B) has not unlawfully donated, leased, sold, or otherwise disposed of real or personal property or services to such a nonpublic school or school system where such transaction has produced a substantial decrease in the assets available for public education in the school district of such agency, or has rescinded such transaction (or received consideration in lieu thereof) in accordance with regulations of the Secretary; and (C) will not donate, lease, sell, or otherwise dispose of real or personal property or services to any such nonpublic school or school system;

(5) in the case of an application by a local educational agency, the applicant has not reduced its fiscal effort for the provision of free public education for children in attendance at the schools of such agency for the fiscal year for which assistance is sought under this Act to less than that of the second preceding fiscal year;

(6) the applicant is not reasonably able to provide, out of non-Federal sources, the assistance for which the application is made;

(7) the applicant will provide such other information as the Secretary may require to carry out the purpose of this Act;

(8) in the case of an application by a local educational agency, the plan with respect to which such agency is seeking assistance (as specified in section 5 (a) (1)) does not involve freedom of choice as a means of desegregation, unless the Secretary determines that freedom of choice has achieved, or will achieve, the complete elimination of a dual school system in the school district of such agency;

(9) the current expenditure per pupil (as defined in section 11 (a)) which such agency makes from revenues derived from its local sources for the academic year for which assistance under this Act will be made available to such agency is not less than the current expenditure per pupil which such agency made from such revenues for (A) the academic year preceding the academic year during which the implementation of a plan described in section 5 was commenced, or (B) the third academic year preceding the academic year for which such assistance will be made available, whichever is later;

(10) staff members of the applicant who work directly with children, and professional staff of such applicant who are employed on the administrative level, will be hired, assigned, promoted, paid, demoted, dismissed or otherwise treated without regard to their mem-

bership in a minority group, except that no assignment pursuant to a court order or a plan approved under title VI of the Civil Rights Act of 1964 will be considered as being in violation of this subsection;

(11) for each academic year for which assistance is made available to the applicant under this Act, it has taken or is in the process of taking all practicable steps to avail itself of all assistance for which it is determined to be eligible under any program administered by the Commissioner of Education; and

(12) no practices or procedures, including testing, will be employed by the applicant in the assignment of children to classes, or otherwise in carrying out curricular or extracurricular activities, within the schools of such applicant in such a manner as (A) to result in the isolation of minority group children in such classes or with respect to such activities, or (B) to discriminate against such children on the basis of their being members of any such minority group.

(b) The Secretary shall not finally disapprove in whole or in part any application for funds submitted by a local educational agency eligible under section 5 without first notifying the local educational agency of the specific reasons for his disapproval as contained in section 7 and subsection (a) above and without affording the agency a reasonable time to modify its application.

(c) The Secretary may, from time to time, set dates by which applications shall be filed.

(d) In the case of an application by a combination of local educational agencies for jointly carrying out a program or project under this Act, at least one such agency shall be an agency described in section 5 (a) or section 9 and any one or more such agencies joining in such application may be authorized to administer such program or project.

SPECIAL PROGRAMS

SEC. 9. (a) From the funds available to him under the second sentence of section (a) the Secretary is authorized to make grants to eligible local educational agencies to carry out model or demonstration programs related to the purpose of this Act if in the Secretary's judgment these programs make a special contribution to the development of methods, techniques, or programs designed to eliminate minority group segregation or to eliminate, reduce, or prevent minority group isolation in elementary and secondary schools.

(b) From the funds available to him under the second sentence of section 4 (a) the Secretary is also authorized to make grants to local educational agencies to carry out programs for children who are from environments where the dominant language is other than English and who, (1) as a result of limited English-speaking ability, are educationally deprived, (2) have needs similar to other children participating in programs or projects assisted under this Act, and (3) attend a school in which they constitute more than 50 per centum of the enrollment.

PAYMENTS

SEC. 10 (a) Upon his approval of an application for assistance under this Act, the Secretary shall reserve from the applicable allotment (including any applicable reallotment) available therefore the amount fixed for such application.

(b) The Secretary shall pay to the applicant such reserved amount, in advance or by way of reimbursement, and in such installments consistent with estabished practice, as he may determine.

(c) (1) In the case of an application to be funded under the first sentence of section 4 (a) which is submitted by a local educational agency which is located in a State in which no State agency is authorized by law to provide, or in the case in which there is a substantial failure by a local educational agency approved for a program or project under this Act to provide, for effective participation on an equitable basis in programs or projects authorized under this Act by children enrolled in, or by teachers or other educational staff of, any one or more private nonprofit elementary or secondary schools located in the school district of such agency, the Secretary shall arrange for the provision, on an equitable basis, of such programs or projects and shall pay the costs thereof for any fiscal year out of that State's allotment. The Secretary may arrange for such programs through contracts with institutions of higher education, or other competent nonprofit institutions or organizations.

(2) In determining the amount to be withheld from any State's allotment for the provision of such programs or projects, the Secretary shall take into account the number of children and teachers and other educational staff who are excluded from participation therein, and who, except for such exclusion, might reasonably have been expected to participate.

(d) After making a grant or contract under this Act, the Secretary shall notify the appropriate State educational agency of the name of the approved applicant and of the amount approved.

(e) The amount of financial assistance to a local educational agency under this Act may not exceed those net additional costs which are determined by the Secretary, in accordance with regulations prescribed by him, to be the result of the implementation of a plan under section 5 (a).

DEFINITIONS

SEC. 11. As used in this Act, except when otherwise specified—

(a) The term "current expenditure per pupil" for a local educational agency means (1) the expenditures for free public education, including expenditures for administration, instruction, attendance and health services, pupil transportation services, operation and maintenance of plant, fixed charges, and net expenditures to cover deficits for food services and student body activities, but not including expenditures for community services, capital outlay, and debt service, or any expenditures made from funds granted under such Federal program of assistance as the Secretary may prescribe, divided by (2) the number of children in average daily attendance to whom such agency provided free public education during the year for which the computation is made.

(b) The term "equipment" includes machinery, utilities, and built-in equipment and any necessary enclosures or structures to house them, and includes all other items necessary for the provision of education services, such as instructional equipment and necessary furniture, printed, published, and audiovisual instructional materials, and other related material.

(c) The term "gifted and talented children" means, in accordance with objective criteria prescribed by the Secretary, children who have outstanding intellectual ability or creative talent.

(d) The term "local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control, or direction, of public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools, or a combination of local educational agencies; and includes any other public institution or agency having administrative control and direction of a public elementary or secondary school; and where responsibility for the control and direction of the activities in such schools which are to be assisted under this Act is vested in an agency subordinate to such a board or other authority, the Secretary may consider such subordinate agency as a local educational agency for purpose of this Act.

(e) The term "nonprofit" as applied to an agency, organization, or institution means an agency, organization, or institution owned or operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

(f) The terms "minority group isolated school" and "minority group isolation" in reference to a school mean a school and condition, respectively, in which Negro, American Indian, oriental, or Spanish-surnamed American children, or children who are members of other minority groups as determined by the Secretary, constitute more than 50 per centum of the enrollment of a school.

(g) The terms "elementary and secondary school" and "school" mean a school which provides elementary or secondary education, as determined under State law, except that it does not include any education provided beyond grade 12.

(h) The term "Secretary" means the Secretary of Health, Education, and Welfare.

(i) The term "State" means one of the fifty States or the District of Columbia.

(j) The term "State educational agency" means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law for this purpose.

EVALUATION

SEC. 12. Such portion as the Secretary may determine, but not more than 1 per centum, of any appropriation under this Act for any fiscal year shall be available to him for evaluation (directly or by grants or contracts) of the programs and projects authorized by this Act, and in the case of allotments from any such appropriation, the amount available for allotment shall be reduced accordingly.

JOINT FUNDING

SEC. 13. Pursuant to regulations prescribed by the President, where funds are advanced by the Department of Health, Education, and Welfare and one or more other Federal agencies for any project or activity funded in whole or in part under this Act, any one Federal agency may be designated to act for all in administering the funds advanced. In such cases, any such agency may waive any technical grant or contract requirement (as defined by regulations) which is inconsistent with the similar requirements of the administering agency or which the administering agency does not impose.

NATIONAL ADVISORY COUNCIL

SEC. 14. The President shall appoint a National Advisory Council on the Education of Minority Group Isolated Children, consisting of twelve members, for the purpose of reviewing the administration and operation of this Act and making recommendations for the improvement of this Act and its administration and operation and for increasing the effectiveness of programs or projects carried out pursuant to this Act.

REPORTS

SEC. 15. The Secretary shall include in his annual report to the Congress a full report as to the administration of this Act and the effectiveness of programs or projects thereunder.

GENERAL PROVISIONS

SEC. 16. (a) The provision of parts B and C of the General Education Provisions Act (title IV of Public Law 247 (Ninetieth Congress) as amended by title IV of Public Law 230 (Ninety-first Congress) shall apply to the program of Federal assistance authorized under this Act as if such program were an applicable program under such General Education Provisions Act, and the Secretary shall have the authority vested in the Commissioner of Education by such parts with respect to such program.

(b) Section 422 of such General Education Provisions Act is amended by inserting "the Emergency School Aid Act of 1971;" after "the International Education Act of 1966;".

[From the Congressional Record, Senate, Jan. 26, 1971]

S. 195—INTRODUCTION OF THE EMERGENCY SCHOOL AID ACT OF 1971

Mr. Javits. Mr. President, I am introducing today for appropriate reference the administration's Emergency School Aid Act of 1971. I do this as the ranking minority member of the Committee on Labor and Public Welfare, and also, Mr. President, because I believe the bill represents a critically important initiative of the administration. I regret very much that it did not pass last year.

The Vice President. The bill will be received and appropriately referred.

The bill (S. 195) to assist school districts to meet special problems incident to desegregation, and to the elimination, reduction, or prevention of minority group isolation, in elementary and secondary schools, and for other purposes, introduced by Mr. Javits, was received, read twice by its title and referred to the Committee on Labor and Public Welfare.

Mr. Javits. I ask unanimous consent that a section-by-section analysis of the bill be printed at the conclusion of my remarks.

The Vice President. Without objection, it is so ordered.

(See exhibit 1.)

Mr. Javits. As I say, I think it is most regrettable that we did not act on this measure last year, and in the course of these remarks I shall explain why, and what my hopes are for this year.

This measure authorizes $500 million this year and $1 billion next year, to assist in meeting the special problems incident to desegregation—by which we mean the classic compliance with the decisions of the U.S. Supreme Court on the fact that every American child is entitled to a nonsegregated education—and the elimination, reduction, or prevention of minority group isolation in elementary and secondary schools—that is, such an undue concentration of the children of one minority group or a number of minority groups in a given school district, or even individual schools, as to materially reduce the capabilities for learning and the capabilities for advancement in education on the part of that child or those children.

Funds may be used for such activities as remedial services, additional professional staff, staff training and retraining, guidance and counseling programs, new instructional techniques and materials, innovative intergroup educational programs, repair and minor remodeling of facilities, auxiliary services, community activities, special administrative activities, planning and evaluation, and other specially designed projects to achieve desegregation and to reduce or prevent minority group isolation.

It is critically important, Mr. President, that these objectives be understood and recognized.

Mr. President, we must never miss the forest for the trees. While there are differences which exist in my own committee and the select committee dealing with this subject of which I am also the ranking minority member and which is headed by the Senator from Minnesota (Mr. Mondale), the forest is the fact that the administration and the committees agreed upon the ad hoc expenditure of this sizable sum of money—$1.5 billion—for the purposes which I have mentioned. The question is how to spend it best, and where to spend it in terms of the most useful way in which to deal with the problem.

Mr. President, there has been very considerable progress in desegregation in our schools, both in the South and elsewhere in the Nation. I would not for a minute be the one to say that even the straight desegregation problem does not exist in some parts of the country. We in New York State, for example, who pride ourselves upon our advancement in this matter, have had a situation in New Rochelle, N.Y., a suburb of New York City, in which a decree had to be entered by a court relating to the desegregation of the public schools there.

Then, as to minority isolation, Mr. President, the problem is presented also in terms of housing patterns. For example, it is impossible in some areas to have a child even be bused to school within any reasonable compass of space or time without it still being in the minority isolation situation.

I mention both those things to show how pervasive is this problem, and how very difficult and elusive is the situation. In addition, it is very expensive. In order to carry out successful programs, school districts must devise new—and often expensive—educational efforts. All too often, this very undertaking comes at a place or a time when financial stress is faced by school districts for many other reasons associated with inadequate revenues and rising costs.

Mr. President, there is very clear indication that Congress will meet this need. We did appropriate $75 million as a beginning last year in respect of this particular situation, and the other body passed, at the very end of the last Congress, a measure for this $1.5 billion which came over here; but, unfortunately, it came in the last hours of the last Congress, when it was impossible to reconcile the views of my own committee in respect of education and of the other body on this bill.

The bill I am introducing today, which is essentially the administration's bill, I introduce with the hope and expectation that it will now receive the full and favorable consideration that it merits. I have made a few changes in the administration bill. They are not changes of profound substance, but they are useful changes. These changes, which are essentially five in number, omit the use of the term "racial" in the bill, which seems undesirable in terms of identity of what we are trying to accomplish, and substitute the term "minority group."

I include orientals in the definition of minority group. Substantial testimony was submitted to the Senate Education Committee last year to support this.

A third change I have made in the bill as passed by the other body, which is essentially now the administration bill, relates to the effort to give a broader base for the expenditure of the resources which we are making available here in terms of their use also for experiments, especially in the field of racial isolation which is so elusive and so difficult to deal with.

A fourth change is designed to give each State a minimum of $100,000 in connection with applying the formula which we have applied to the various States on a population basis in terms of the children who are affected.

The fifth change is the removal of the limiting factors respecting the issues of busing, because busing may be an important element here, and leaving completely out, of course, the question of coercion which I thoroughly agree should be left out, giving to the Secretary broad discretion as to whether the success of any program or project requires such auxiliary service as may be encompassed in the busing idea.

There is a great deal of illusion and misinformation about busing. Eighteen million children—about a third of the total who go to school—are bused to school today. It is the very salvation of country school districts, bringing them into a much higher educational level, to have had busing. No one wants to coerce children into being bused in any way, directly or indirectly; so in a facilitating tool such as the one we are now designing, busing should not be excluded as a useful adjunct to the many other things we expect to do.

I feel certain that, in the normal process of consideration of legislation, further changes will be made. One need not be wedded to every detail in such a bill as this. What is vital is to bring to fruition the view expressed by the President that new initiatives, supported by Federal funds, are needed to achieve equality of educational opportunity and to achieve the goal set by the President in his message of last year—"a system in which education throughout the Nation is both equal and excellent, and in which racial barriers cease to exist."

Finally, Mr. President, we did develop in the Subcommittee on Education of the Committee on Labor and Public Welfare, at the end of the last session, a bill which essentially proceeded upon a theory different from that of the administration's bill. My feeling is, given the overall amounts, given many of the basic techniques which both bills adopt, that the objective to be served should not in any rational approach represent the stumbling block which is irremovable as between the views of the majority of the committee and the views of the administration.

I will pledge—that is the reason why I am introducing the administration's bill—my utmost efforts to resolve all differences so that the most expeditious action may be taken upon this bill, which I regard as a singularly auspicious initiative by the President. I am sure these differences can be resolved. We would not be talking about $1.5 billion for this matter if it had not been proposed, and there would be no place for the difference between the views of the Subcommittee on Education and the views of the administration if the proposal had not been made in the first place.

I express the feeling that the leadership will give us high priority to consider a bill, if we can agree upon one, and I believe there is every likelihood of doing so. It is toward the end and the contribution toward that objective that I have introduced the administration's bill today.

Exhibit 1—Section-by-Section Analysis

Section 1.—This section provides that the Act may be cited as the Emergency School Aid Act of 1971.

PURPOSE

Section 2.—This section states the two purposes for which financial aid may be provided under the act: (1) to meet the special needs incident to the elimination of minority group segregation, and discrimination, and (2) to encourage the voluntary elimination, reduction, or prevention of minority group isolation in schools with substantial minority group enrollments.

APPROPRIATIONS

Section 3.—The authorized appropriations are $500 million for fiscal year 1971 and $1 billion for fiscal year 1972. Funds appropriated shall remain available for obligation for one fiscal year beyond the fiscal year for which they are appropriated.

ALLOTMENTS AMONG STATES

Section 4—Eighty percent of the funds appropriated would be allolted among the States (with a $100,000 minimum State allotment) on the basis of the number of children enrolled in schools in the State who are Negro, American Indian, Spanish-surnamed Americans, or members of other minority groups (as determined by the Secretary), as compared to the number of such children in all of the States. The remaining 20 percent of the sums appropriated are reserved to the Secretary for grants or contracts to carry out the purposes of the Act. The Secretary is authorized to make reallotments except that no reallotment may take place as of a date earlier than 60 days prior to the end of a fiscal year. Reallotments from a State's allotment may be made only to the extent that applications from a State do not meet the requirements of the act or if they offer insufficient promise of carrying out the purposes of the act.

ELIGIBILITY FOR FINANCIAL ASSISTANCE

Section 5—This section provides that the Secretary shall provide financial assistance, pursuant to applications approved under section 7, to a local educational agency—(1) which is implementing a plan: (A) undertaken pursuant to a final order or a Federal or State court for student or faculty desegregation in elementary or secondary schools or for the elimination or reduction of minority group isolation in such schools, or (B) approved by the Secretary under title VI of the Civil Rights Act; (2) which, without having been required to do so, has adopted and is implementing, or will adopt and implement, a plan for the complete elimination of minority group isolation in its schools; or (3) which has adopted and is implementing, or will adopt and implement, a plan: to eliminate or reduce minority group isolation in one or more of its minority group isolated schools; or (B) to reduce the total number of minority children in minority group isolated schools; or (C) to prevent minority group isolation reasonably likely to occur in any school which has an enrollment of 10 percent but not more than 50 percent of minority children; or (D) to enroll and educate in non-minority-group isolated schools minority children who would not otherwise be eligible for enrollment because of nonresidence in the school district. The Secretary may also assist any other public or private nonprofit agency to carry out programs designed to support plans described above.

The Secretary is also authorized to provide funds for districts with high concentrations of minority group students, those with more than 15,000 such students or with an enrollment of which such students compose more than half. These grants may be made only upon the Secretary's determination an applicant has submitted an unusually promising pilot program or project designed to improve the academic achievement of students in minority group isolated schools.

The section also makes ineligible for assistance, school districts which since the passage of the Emergency School Assistance Act on August 18, 1970, have engaged in discrimination against students or faculty on the basis of their membership in minority groups. The disqualifying practices include in-school segregation and the transfer of public property to discriminatory private schools. Provision is made for waiver of ineligibility by the Secretary under special circumstances.

AUTHORIZED ACTIVITIES

Section 6—Financial assistance shall be available under the act for programs or projects which would not otherwise be funded and which are designed to carry out the purposes of the act, including (a) remedial or other services, (b) hiring or additional staff, (c) guidance and counseling, (d) development of new instructional techniques, (e) innovative intergroup programs, (f) repair or minor remodeling, (g) administrative and auxiliary services to facilitate the success of the program or project, (h) community activities, (i) special administrative activities, (j) planning and evaluation, and (k) other specially designed programs.

CRITERIA FOR APPROVAL

Section 7—In approving applications submitted under the act, except for Sec. 9(b), the Secretary must consider: (1) the need for assistance, (2) the degree to which the program is likely to effect a decrease in minority group isolation, (3) the comprehensiveness of the program or project, (4) the degree to which the program affords promise of achieving the purposes of the act, (5) except for 9(a) the amount necessary to carry out the program, and (6) the degree to which the program involves the total educational resources of the community both public and private. The section also provides that the Secretary shall not give less favorable consideration to an application of a local educational agency because such agency has adopted a voluntary plan, rather than being legally required to adopt such a plan.

ASSURANCES

Section 8—Applications submitted for approval must contain assurances that: (1) the appropriate State educational agency has been given reasonable opportunity to offer recommendations; (2) provision has been made for the participation of private school children, teachers, and other staff if such participation would assist in achieving the purposes of the act; (3) effective evaluation procedures have been adopted; (4) (A) there has been (after the commencement of the 1969–70 school year) no unlawful disposition of property or services to a private segregated school, (B) no such transaction has resulted in a substantial decrease in the applicant's assets or that the transfer has been rescinded or consideration received, and (C) there will be no disposition of property or services to such a school in the future; (5) there has been no reduction of fiscal effort; (6) funds are not reasonably available from other non-Federal sources; (7) other relevant information will be provided; (8) the agency is not operating under a freedom of choice plan unless it is determined to achieve desegregation; (9) current expenditures per pupil from local sources have not been reduced; (10) there will be no hiring, promotion, or demotion of professional staff on the basis of race; (11) the applicant has availed itself of all other Federal programs; and (12) no practices (including testing) will be employed by the applicant in the assignment of children to classes so as to result in the isolation of minority group children or discrimination against them. The Secretary shall not disapprove in whole or in part any application for funds submitted under section 5(a) without first notifying the applicant of the specific reasons for his disapproval and affording him a reasonable time to modify such application. Provision is made for joint applications.

SPECIAL PROGRAMS

Section 9—From the 20 percent of the funds reserved to the Secretary, grants may be made to schools for model and demonstration programs related to the purposes of the act and for programs for children from environments where the dominant language is other than English and who are educationally deprived as a result of limited language ability and have needs similar to other children served under the act.

PAYMENTS

Section 10—This section contains administrative provisions for reservation and payment of appropriate amounts following on approval of an application. There is a private school bypass where public school agency cannot legally or will not provide for effective participation on an equitable basis by children and educational staffs of private elementary and secondary schools. The Secretary may make provision for them through contracts with institutions of higher education or other private non-profit institutions and organizations and to pay the cost, thereof. Private school children are to have an equitable share in the resources made available under this Act. After approval of a grant or contract the Secretary is required to notify the appropriate State educational agency. The assistance made available under this Act may not exceed the net additional cost resulting from the implementation of a plan.

DEFINITIONS

Section 11—This section contains the definitions of terms used in the Act.

EVALUATION

Section 12—The Secretary is authorized to reserve one percent of the funds for evaluation.

JOINT FUNDING

Section 13—This section allows joint funding by the Department of Health, Education, and Welfare and other Federal agencies.

NATIONAL ADVISORY COUNCIL

Section 14—This section provides that the President shall appoint a twelve-member National Advisory Council on the Education of Minority Group Isolated Children.

REPORTS

Section 15—This section provides that the Secretary shall report annually to the Congress on his administration of the act.

GENERAL PROVISIONS

Section 16—Parts B and C of the General Education Provisions Act relating ot General Requirements and Conditions Concerning the Operation and Administration of Education Programs and rules governing Advisory Councils are made applicable to the act.

92D CONGRESS
1ST SESSION

S. 683

IN THE SENATE OF THE UNITED STATES

FEBRUARY 9 (legislative day, JANUARY 26), 1971

Mr. MONDALE (for himself, Mr. BAYH, Mr. BROOKE, Mr. CASE, Mr. CRANSTON, Mr. GRAVEL, Mr. HARRIS, Mr. HATFIELD, Mr. HUGHES, Mr. HUMPHREY, Mr. INOUYE, Mr. KENNEDY, Mr. MCGOVERN, Mr. MONTOYA, Mr. MUSKIE, Mr. RANDOLPH, Mr. RIBICOFF, and Mr. TUNNEY) introduced the following bill; which was read twice and referred to the Committee on Labor and Public Welfare

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A BILL

To provide financial assistance for the establishment and maintenance of stable, quality, integrated education in elementary and secondary schools to assist school districts to overcome the adverse educational effects of minority group isolation, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Quality Integrated Education Act of 1971".

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress hereby finds that the segregation of schoolchildren by race, color, or national origin, whatever its cause or origin, is detrimental to all children and deprives them of equality of educational opportunity: that conditions of such segregation exist throughout the Nation, and, as a result, substantial numbers of children are suffering educational deprivation; and that the process of establishing and maintaining stable, quality, integrated schools improves the quality of education for all children and often involves the expenditure of additional funds to which local educational agencies do not have access.

(b) It is the purpose of this Act (1) to provide financial assistance to encourage the establishment and maintenance of stable, quality, integrated schools throughout the Nation, serving students from all backgrounds, which derive full advantage from the enriched educational opportunities provided by the education of children from diverse backgrounds in an environment sensitive to the potential contribution of each child to the education of all, through the utilization of modern educational methods, practices, and techniques, including, where appropriate, programs of integrated bilingual, bicultural education, and (2) to aid schoolchildren to overcome the educational disadvantages of minority group isolation.

APPROPRIATIONS

SEC. 3. (a) The Commissioner, shall, in accordance with the provisions of this Act, carry out a program designed to achieve the purposes set forth in section 2 (b). There are authorized to be appropriated to the Commissioner, for the purpose of carrying out this Act, $500,000,000 for the period beginning with the enactment of this Act and ending June 30, 1972, and $1,000,000,000 for the fiscal year ending June 30, 1973. Funds so appropriated shall remain available for obligation and expenditure during the fiscal year succeeding the fiscal year for which they are appropriated, except that funds reserved under paragraph (1) of subsection (b) shall remain available until expended. Funds so appropriated shall be available for grants and contracts under this Act only to the extent that the sums appropriated to the Office of Education for any fiscal year exceed the sums appropriated to the Office of Education for the next preceding fiscal year, except that sums appropriated pursuant to this Act shall not be considered in determining the sums appropriated to the Office of Education for any such next preceding fiscal year.

(b) (1) From the sums appropriated pursuant to subsection (a), the Commissioner shall reserve—

(A) not less than 10 per centum of each of the amounts authorized to be appropriated pursuant to such subsection for the purposes of section 8;

(B) not less than 5 per centum of each of the amounts authorized to be appropriated pursuant to such subsection for the purposes of section 10;

(C) not less than 3 per centum of each of the amounts authorized to be appropriated pursuant to such subsection for the purposes of section 11.

(2) If the total amount of the sums appropriated pursuant to subsection (a) for any fiscal year does not constitute at least four times the aggregate of the amounts specified for reservation pursuant to paragraph (1) for that fiscal year, each of the amounts so specified for that fiscal year shall be ratably reduced until the aggregate of the amounts reserved under paragraph (1) does not exceed one-fourth of an amount equal to the sums so appropriated.

(3) Of the sums appropriated pursuant to subsection (a), the Commissioner is authorized to reserve an amount, not in excess of an amount equal to 10 per centum of such sums, for the purposes of section 7(a).

(4) Of the sums appropriated pursuant to subsection (a), the Commissioner shall reserve 10 per centum for grants by him to local educational agencies making applications under section 5(a)(2).

APPORTIONMENT AMONG STATES

SEC. 4. (a) (1) From the sums appropriated pursuant to section 3(a) which are not reserved under section 3(b) for any fiscal year, the Commissioner shall apportion to each State for grants within that State an amount which bears the same ratio to such sums as the number of minority group children enrolled in public schools in that State bears to the number of such children in all the States, except that the amount apportioned to any State shall not be less than $100,000.

(2) Of the amount apportioned to each State under paragraph (1), the Commissioner shall reserve not less than one-sixth but not more than one-fourth for grants to local educational agencies in that State pursuant to section 5(b).

(3) Of the amount apportioned to each State under paragraph (1) the Commissioner shall reserve not less than 10 per centum for grants in that State pursuant to section 7(b).

(b) The amount of any State's apportionment under subsection (a) which exceeds the amount which the Commissioner determines, in accordance with criteria established by regulation, will be required during the period for which the apportionment is available for programs and projects within such State, shall be available for reapportionment from time to time, on such dates during such period as the Commissioner shall fix by regulation, to other States in proportion to the original apportionments to such States under subsection (a). If the Commissioner determines, in accordance with criteria established by regulation, that the amount which would be reapportioned to a State under the first sentence of this subsection exceeds the amount which will be required during the period of the apportionment for programs and projects within such State, the amount of such State's reapportionment shall be reduced to the extent of such excess, and the total amount of any reductions pursuant to this sentence shall be available for reapportionment under the first sentence of this subsection. Any amount reapportioned to a State under this subsection during the period of any apportionment shall be deemed a part of its apportionment for that period; and any amount reserved pursuant to paragraph (2) of subsection (a) and reapportioned under this subsection shall be used solely for the purposes for which it was originally reserved.

ELIGIBILITY FOR ASSISTANCE

Sec. 5. (a) (1) The Commissioner is authorized to make a grant to, or a contract with, a local educational agency only if, in accordance with criteria established by regulation, he determines—

(A) that the local educational agency has adopted a plan for the establishment or maintenance of one or more stable, quality, integrated schools; and

(B) that the number of minority group children in attendance at the schools of such agency is (i) at least one thousand and at least 20 per centum of the number of all children in attendance at such schools, or (ii) at least three thousand and at least 10 per centum of the number of all children in attendance at such schools.

(2) Notwithstanding the provisions of clause (B) of paragraph (1), the Commissioner is authorized to make grants, in accordance with special eligibility criteria established by regulation for the purposes of this paragraph, to a local educational agency which does not meet the requirements of such clause (B), where such local educational agency is located within, or adjacent to, a Standard Metropolitan Statistical Area and makes joint arrangements with an additional local educational agency, located within the Standard Metropolitan Statistical Area and containing a substantial proportion of minority group students, for the establishment and maintenance of one or more stable, quality integrated schools. For the purposes of this subsection, an integrated school shall be a school with a student body containing a substantial proportion of children from educationally advantaged backgrounds in which the proportions of minority group students are at least 50 per centum of the proportions of minority group students enrolled in all schools of the local educational agencies within the Standard Metropolitan Statistical Area, and a faculty and administrative staff with substantial representation of minority group persons.

(b) The Commissioner is authorized to make grants to or contracts with, local educational agencies for unusually promising pilot programs or projects designed to overcome the adverse effects of minority group isolation by improving the academic achievement of children in one or more minority group isolated schools, if he determines that the local educational agency had a number of minority group children in average daily membership in the public schools, for the fiscal year preceding the fiscal year for which assistance is to be provided, (1) of at least 15,000, or (2) constituting more than 50 per centum of such average daily membership of all children in such schools.

(c) No local educational agency making application under this section shall be eligible to receive a grant or contract in an amount in excess of the amount determined by the Commissioner, in accordance with regulations setting forth criteria established for such purpose, to be the additional cost to the applicant arising out of activities authorized under this Act, above that of the activities normally carried out by the local educational agency.

(d) (1) No local educational agency shall be eligible for assistance under this Act if it has, after August 18, 1970—

(A) transferred (directly or indirectly by gift, lease, loan, sale, or other means) real or personal property to, or made any services available to any nonpublic school or school system (or any organization controlling, or intending to establish, such a school or school system) without prior determination that such nonpublic school or school system (i) is not operated on a racially segregated basis as an alternative for children seeking to avoid attendance in desegregated public schools, and (ii) does not otherwise practice, or permit to be practiced, discrimination on the basis of race, color, or national origin in the operation of any school activity;

(B) had in effect any practice, policy, or procedure which results (or has resulted) in the disproportionate demotion or dismissal of instructional or other personnel from minority groups in conjunction with desegregation or the establishment of an integrated school, or otherwise engaged in discrimination based upon race, color, or national origin in the hiring, promotion, or assignment of employees of the agency (or other personnel for whom the agency has any administrative responsibility);

(C) in conjunction with desegregation or the establishment of an integrated school, adopted any procedure for the assignment of students to or within classes which results in segregation of children for a substantial portion of the school day; or

(D) had in effect any other practice, policy, or procedure, such as limiting curricular or extracurricular activities (or participation therein by children) in order to avoid the participation of minority group students in such activities, which discriminates among children on the basis of race, color, or national origin;

except that, in the case of any local educational agency which is ineligible for assistance by reason of clause (A), (B), (C), or (D), such agency may make application for a waiver of ineligibility, which application shall specify the reason for its ineligibility, contain such information and assurances as the Secretary shall require by regulation in order to insure that any practice, policy, or procedure, or other activity resulting in the ineligibility has ceased to exist or occur and include such provisions as are necessary to insure that such activities do not reoccur after the submission of the application.

(2) (A) No local educational agency shall be eligible for a waiver under paragraph (1) if—

(i) it is ineligible by reason of clause (A), (B), (C), or (D) of paragraph (1) because of transactions, practices, policies, or procedures which existed or occurred after August 18, 1970; and

(ii) it has received assistance under the appropriation in the paragraph headed "Emergency School

Assistance" in the Office of Education Appropriations Act, 1971 (Public Law 91-380).

(B) (i) In the case of any local educational agency which is ineligible for assistance under this Act by reason of subparagraph (A), such agency may make a special application for a waiver of its ineligibility, which application shall include (I) all the specifications, procedures, assurances, and other information required for a waiver under the exception set forth in paragraph (1), and (II) in addition, such other data, plans, assurances, and information as the Secretary shall require in order to insure compliance with this subparagraph (B).

(ii) The additional matters required by the Secretary under clause (II) of subparagraph (B) (i) shall at least include sufficient information as to enable the Commissioner to properly evaluate the application submitted under section 9 by the applicant for a special waiver under this subparagraph (B) and advise the Secretary with respect to the merit of the program for which assistance is sought.

(3) Applications for waivers under paragraphs (1) and (2) may be approved only by the Secretary. The Secretary's functions under this paragraph shall, notwithstanding any other provision of law, not be delegated.

(4) No application for assistance under this Act shall

be approved prior to a determination by the Commissioner that the applicant is not ineligible by reason of this subsection. No waiver under paragraph (2) shall be granted until the Commissioner has determined that the special applicant has submitted an application under section 9 of extraordinary merit.

(5) All determinations pursuant to this subsection shall be carried out in accordance with criteria and investigative procedures established by regulations of the Secretary for the purpose of compliance with this subsection.

(6) All determinations and waivers pursuant to this subsection shall be in writing. The Committee on Labor and Public Welfare of the Senate and the Committee on Education and Labor of the House of Representatives shall each be given notice of an intention to grant any waiver under this subsection, which notice shall be accompanied by a copy of the proposed waiver for which notice is given and copies of all determinations relating to such waiver. The Commissioner shall not approve an application by a local educational agency which requires a waiver under this subsection prior to thirty days after receipt of the notice required by the preceding sentence by the chairman of the Committee on Labor and Public Welfare of the Senate and the chairman of the Committee on Education and Labor of the House of Representatives.

AUTHORIZED ACTIVITIES

SEC. 6. (a) Sums appropriated pursuant to section 3 (a) and apportioned to a State pursuant to section 4 (which have not been reserved under paragraph (2) or (3) of section 4 (a)) and the sums reserved pursuant to section 3 (b) (4) shall be available for grants to, and contracts with, local educational agencies in that State which have been established as eligible under section 5 (a), to assist such agencies in carrying out the following programs and projects designed to establish or maintain stable, quality, integrated schools, as necessary and appropriate to carry out the purposes of this Act:

(1) the development and use of new curriculums and instructional methods, practices, and techniques to support a program of instruction for children from all racial, ethnic, and economic backgrounds, including instruction in the language and cultural heritage of minority groups;

(2) remedial services, beyond those provided under the regular school program conducted by the local educational agency, including student-to-student tutoring;

(3) guidance and counseling services, beyond those provided under the regular school program conducted by the local educational agency, designed to promote

mutual understanding among minority group and nonminority group parents, students, and teachers;

(4) administrative and auxiliary services to facilitate the success of the project;

(5) community activities, including public information efforts, in support of a plan, program, project, or other activities described in this section;

(6) recruiting, hiring, and training of teacher aides: *Provided,* That in recruiting teacher aides, preference shall be given to parents of children attending schools assisted under section 5(a);

(7) inservice teacher training designed to enhance the success of schools assisted under section 5(a) through contracts with institutions of higher education, or other institutions, agencies, and organizations individually determined by the Commissioner to have special competence for such purpose;

(8) planning programs and projects under this section, the evaluation of such programs and projects, and dissemination of information with respect to such programs and projects; and

(9) repair of minor remodeling or alteration of existing school facilities (including the acquisition, installation, modernization, or replacement of equipment) and the lease or purchase of mobile classroom units or other mobile educational facilities.

In the case of programs and projects involving activities described in clause (9), the inclusion of such activities must be found to be a necessary component of, or necessary to facilitate, a program or project involving other activities described in this section or subsection (b), and in no case involve an expenditure in excess of 10 per centum of the amount made available to the applicant to carry out the program or project. The Commissioner shall promulgate regulations defining the term "repair or minor remodeling or alteration".

(b) Sums reserved under section 4 (a) (2) shall be available for grants to, and contracts with, local educational agencies eligible for assistance under section 5 (b) to carry out innovative pilot programs and projects which are specifically designed to assist in overcoming the adverse effects of minority group isolation, by improving the educational achievement of children in minority group isolated schools, including the activities described in clauses (1) through (9) of subsection (a), as they may be used to accomplish such purpose.

SPECIAL PROGRAMS AND PROJECTS

SEC. 7. (a) (1) Amounts reserved by the Commissioner pursuant to section 3 (b) (3) shall be available to him for grants and contracts under this subsection.

(2) The Commissioner is authorized to make grants to, and contracts with, State and local educational agencies, and

other public and private nonprofit agencies and organizations (or a combination of such agencies and organizations) for the purpose of supporting special programs and projects carrying out activities described in section 6, which the Commissioner determines will make substantial progress toward achieving the purposes of this Act.

(b) From the amounts reserved pursuant to section 4(a)(3), the Commissioner is authorized to make grants to, and contracts with, public and private nonprofit agencies, institutions, and organizations (other than local educational agencies and nonpublic elementary and secondary schools) for programs and projects to promote equality of educational opportunity, through facilitating the participation of parents, students, and teachers in the design and implementation of comprehensive educational planning; the provision of services which will enable parents to become effective participants in the educational process; the conduct of activities which foster understanding among minority group and nonminority group parents, students, teachers, and school officials, including public information and school-community relations activities; and the conduct of school-related activities to reinforce student growth and achievement.

EDUCATION PARKS

SEC. 8. From the sums reserved pursuant to section 3(b)(1)(A), the Commissioner is authorized to make grants to State and local educational agencies to assist in the construction of education parks in Standard Metropolitan Statistical Areas. For the purposes of this section the term "education park" means an integrated school or cluster of such schools located on a common site, within a Standard Metropolitan Statistical Area, of sufficient size to achieve maximum economy of scale consistent with sound educational practice, providing the full range of preschool, elementary, and secondary education, with a student body containing a substantial proportion of children from educationally advantaged backgrounds, which is representative of the minority group and nonminority group student population of the Standard Metropolitan Statistical Area, and a faculty and administrative staff with substantial representation of minority group persons.

APPLICATIONS

SEC. 9. (a) Any local educational agency desiring to receive assistance under this Act shall submit to the Commissioner an application therefor at such time, in such form, and containing such information as the Commissioner shall require by regulation. Such application, together with all correspondence and other written materials relating thereto, shall be made readily available to the public by the applicant and by the Commissioner. The Commissioner may approve an application if he determines that such application—

(1) sets forth a plan, and such policies and procedures, as will assure that (A) in the case of an application under section 5(a), the applicant will initiate or continue a program specifically designed to establish or maintain at least one or more stable, quality, integrated schools, or (B) in the case of an application under section 5(b), the applicant will initiate or expand an innovative program specifically designed to meet the educational needs of children attending one or more minority group isolated schools;

(2) has been developed—

(A) in open consultation with parents, teachers, and, where applicable, secondary school students, including public hearings at which such persons have had a full opportunity to understand the program for which assistance is being sought and to offer recommendations thereon, and

(B) with the participation and, subject to subsection (b), approval of a committee composed of parents of children participating in the program for which assistance is sought, teachers, and, where applicable, secondary school students, of which at least half the members shall be such parents, and at least half shall be persons from minority groups;

(3) sets forth such policies and procedures as will

insure that the program for which assistance is sought will be operated in consultation with, and the involvement of, parents of the children and representatives of the area to be served, including the committee established for the purposes of clause (2) (B);

(4) sets forth such policies and procedures, and contains such information, as will insure that funds paid to the applicant under the application be used solely to pay the additional cost to the applicant in carrying out the plan and program described in the application;

(5) contains such assurances and other information as will insure that the program for which assistance is sought will be administered by the applicant, and that any funds received by the applicant, and any property derived therefrom, will remain under the administration and control of the applicant;

(6) sets forth such policies and procedures, and contains such information, as will insure that funds made available to the applicant (A) under this Act will be so used (i) as to supplement and, to the extent practicable, increase the level of funds that would, in the absence of such funds, be made available from non-Federal sources for the purposes of the program for which assistance is sought, and for promoting the integration of the schools of the applicant, and for the education of children par-

ticipating in such program, and (ii) in no case, as to supplant such funds from non-Federal sources, and (B) under any other law of the United States will, in accordance with standards established by regulation, be used in coordination with such programs to the extent consistent with such other law;

(7) in the case of an application for assistance under section 5(b), that the program or project to be assisted will involve an additional expenditure per pupil to be served, determined in accordance with regulations prescribed by the Commissioner, of sufficient magnitude to provide reasonable assurance that the desired educational impact will be achieved and that funds under this Act will not be dispersed in such a way as to undermine their effectiveness;

(8) in the case of an application by a local educational agency, that the State educational agency governing the school district or school districts in which the approved program or project will be carried out has been given reasonable opportunity to offer recommendations to the applicant and to submit comments to the Commissioner;

(9) sets forth effective procedures, including provisions for objective measurement of change in educational achievement and other change to be effected by

programs conducted under this Act, for the continuing evaluation of programs or projects under this Act, including their effectiveness in achieving clearly stated program goals, their impact on related programs and upon the community served, and their structure and mechanisms for the delivery of services; and

(10) provides (A) that the applicant will make periodic reports at such time, in such form, and containing such information as the Commissioner shall require by regulation, which regulation shall require at least—

(i) in the case of reports relating to performance, that the reports be consistent with specific criteria related to the program objectives, and

(ii) that the reports include information relating to educational achievement of children in the schools of the applicant,

and (B) that the applicant will keep such records and afford such access thereto as—

(i) will be necessary to assure the correctness of such reports and to verify them, and

(ii) will be necessary to assure the public adequate access to such reports and other written materials.

(b) In the event the committee established pursuant to clause (2) (B) of subsection (a) does not, after a reasonable opportunity to do so, approve an application under this section, the local educational agency may submit the application for approval by the Commissioner. The committee may, upon written notification to the local educational agency and the Commissioner, seek a review of the reasons for failure to obtain approval. Upon receipt of any such notice, a local educational agency shall promptly file with the Commissioner a statement of the issues in question, the reason for submission of the application without such approval, and its grounds for desiring approval of the application by the Commissioner as submitted, and shall attach thereto a statement of the reasons of the committee respecting its failure to approve the application. Upon receipt of a notice filed under the second sentence of this subsection, the Commissioner shall take no action with respect to approval of the application in question until he has reviewed the matters submitted to him by the local educational agency and any matters submitted to him by the committee and, when he determines it to be appropriate, has granted an opportunity for an informal hearing. Within thirty days after the Commissioner has received the matters required to be submitted under the third sentence of this subsection, he shall make a finding as to whether the local educational agency was justified in submitting the application without approval, as required under clause (2) (B) of subsection (a). Upon his finding of justification, the Commissioner may proceed with respect to the approval of the application. Such finding, and the reasons thererfor, shall be in writing and shall be made available to the local educational agency and the committee.

(c) (1) The Commissioner shall, from time to time, set dates by which applications for grants under this Act shall be filed and may prescribe an order of priority to be followed in approving such applications.

(2) In determining whether to make a grant or contract under section 5 or in fixing the amount thereof, the Commissioner shall give priority to—

(A) in case applications submitted under section 5(a), applications from local educational agencies which place the largest numbers and proportions of minority group students in stable, quality, integrated schools; and

(B) applications which offer the greatest promise of providing quality education for all participating children.

EDUCATIONAL TELEVISION

SEC. 10. (a) The sums reserved pursuant to section 3 (b) (1) (B) for the purpose of carrying out this section shall be available for grants and contracts in accordance with subsection (b).

(b) (1) The Commissioner shall carry out a program of making grants to, or contracts with, not more than ten public or private nonprofit agencies, institutions, or organizations with the capability of providing expertise in the development of television programing, in suffcient number to assure diversity, to pay the cost of development and production of integrated children's television programs of cognitive and affective educational value.

(2) Television programs developed in whole or in part with assistance provided under this Act shall be made reasonably available for transmission, free of charge, and shall not be transmitted under commercial sponsorship.

(3) The Commissioner may approve an application under this section only if he determines that the applicant—

(A) will employ members of minority groups in responsible positions in development, production, and administrative staffs;

(B) will utilize modern television techniques of research and production; and

(C) has adopted effective procedures for evaluating education and other change achieved by children viewing the program.

ATTORNEYS' FEES

Sec. 11. (a) Upon the entry of a final order by a court of the United States against a local educational agency, a

State (or any agency thereof), or the Department of Health, Education, and Welfare for failure to comply with any provision of this Act, title I of the Elementary and Secondary Education Act of 1965 or discrimination on the basis of race, color, or national origin in violation of title VI of the Civil Rights Act of 1964, or of the fourteenth article of amendment to the Constitution of the United States as they pertain to elementary and secondary education, such court shall award, from funds reserved pursuant to section 3(b)(1)(C), reasonable counsel fee, and costs not otherwise reimbursed, for services rendered, and costs incurred, after the date of enactment of this Act to the party obtaining such order.

(b) The Commissioner shall transfer all funds reserved pursuant to section 3(b)(1)(C) to the Administrative Office of the United States Courts for the purpose of making payments of fees awarded pursuant to subsection (a).

DEFINITIONS

SEC. 12. Except as otherwise specified, the following definitions shall apply to the terms used in this Act:

(1) The term "Commissioner" means the Commissioner of Education; and the term "Secretary" means the Secretary of Health, Education, and Welfare.

(2) The term "elementary school" means a day or

residential school which provides elementary education, as determined under State law.

(3) The term "equipment" includes machinery, utilities, and built-in equipment and any necessary enclosures or structures to house them, and includes all other items necessary for the provision of educational services, such as instructional equipment and necessary furniture, printed, published, and audiovisual instructional materials, and other related material.

(4) The term "institution of higher education" means an educational institution in any State which—

(A) admits as regular students only individuals having a certificate of graduation from a high school, or the recognized equivalent of such a certificate;

(B) is legally authorized within such State to provide a program of education beyond high school;

(C) provides an educational program for which it awards a bachelor's degree; or provides not less than a two-year program which is acceptable for full credit toward such a degree, or offers a two-year program in engineering, mathematics, or the physical or biological sciences which is designed to prepare the student to work as a technician and at a semiprofessional level in engineering, scientific, or other technological fields which require the understanding and application of basic engineering, scientific, or mathematical principles or knowledge;

(D) is a public or other nonprofit institution; and

(E) is accredited by a nationally recognized accrediting agency or association listed by the Commissioner for the purposes of this paragraph.

(5) The term "integrated school" means a school with a student body, containing a substantial proportion of children from educationally advantaged backgrounds, which is substantially representative of the minority group and nonminority group students population of the local educational agency in which it is located, and a faculty which is representative of the minority group and nonminority group population of the larger community in which it is located, or where the Commissioner determines that the local educational agency concerned is attempting to increase the proportions of minority group teachers, supervisors, and administrators in its employ, a faculty which is representative of the minority group and nonminority group faculty employed by the local educational agency.

(6) The term "local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, public elementary or secondary schools in a city, county, township, school district, or other political subdivi-

sion of a State, or such combination of school districts, or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools, or a combination of local educational agencies; and includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

(7) (A) The term "minority group" refers to (i) persons who are Negro, American Indian, Spanish-surnamed American, Portuguese, or Oriental; and (ii) (except for the purposes of section 4), as determined by the Secretary, children who are from environments where the dominant language is other than English and who, as a result of limited English-speaking ability, are educationally deprived, and (B) the term "Spanish-surnamed American" includes persons of Mexican, Puerto Rican, Cuban, or Spanish origin or ancestry.

(8) The terms "minority group isolated school" and "minority group isolation" in reference to a school mean a school and condition, respectively, in which minority group children constitute more than 66$\frac{2}{3}$ per centum of the average daily membership of a school.

(9) The term "nonprofit" as applied to a school, agency, organization, or institution means a school, agency, organization, or institution owned and operated by one or

more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

(10) The term "secondary school" means a day or residential school which provides secondary education, as determined under State law, except that it does not include any education provided beyond grade 12.

(11) The term "Standard Metropolitan Statistical Area" means the area in and around a city of fifty thousand inhabitants or more as defined by the Office of Management and Budget.

(12) The term "State" means one of the fifty States or the District of Columbia.

(13) The term "State educational agency" means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law for this purpose.

EVALUATIONS

SEC. 13. The Commissioner is authorized to reserve not in excess of 1 per centum of the sums appropriated under this Act for any fiscal year for the purposes of this section. From such reservation, the Commissioner is authorized to make grants to, and contracts with, institutions of higher education and private organizations, institutions, and agencies, including councils established pursuant to section 9 (a) (2), for the purpose of evaluating specific programs and projects assisted under this Act.

REPORTS

SEC. 14. The Commissioner shall make periodic detailed reports concerning his activities in connection with the program authorized by this Act and the program carried out with appropriations under the paragraph headed "Emergency School Assistance" in the Office of Education Appropriations Act, 1971 (Public Law 91-380), and the effectiveness of programs and projects assisted under this Act in achieving the purposes of this Act. Such reports shall contain such information as may be necessary to permit adequate evaluation of the programs authorized by this Act, and shall be submitted to the President and to the Committee on Labor and Public Welfare of the Senate and the Committee on Education and Labor of the House of Representatives. The first report submitted pursuant to this section shall be submitted no later than ninety days after the enactment of this Act. Subsequent reports shall be submitted no less often than four times annually.

JOINT FUNDING

SEC. 15. Pursuant to regulations prescribed by the President, where funds are advanced by the Office of Education, and one or more other Federal agencies for any project or activity funded in whole or in part under this Act, any one of such Federal agencies may be designated to act for all in administering the funds advanced. In such cases, any such agency may waive any technical grant or contract requirement (as defined by regulations) which is inconsistent with the similar requirements of the administering agency or which the administering agency does not impose. Nothing in this section shall be construed to authorize (1) the use of any funds appropriated under this Act for any purpose not authorized herein, (2) a variance of any reservation or apportionment under section 3 or 4, or (3) waiver of any requirement set forth in sections 5, 6, 9, and 12 (5).

NATIONAL ADVISORY COUNCIL

SEC. 16. (a) There is hereby established a National Advisory Council on Equality of Educational Opportunity, consisting of fifteen members, at least one-half of whom shall be representatives of minority groups, appointed by the President, which shall—

(1) advise the Secretary with respect to the operation of the program authorized by this Act, including the preparation of regulations and the development of criteria for the approval of applications;

(2) review the operation of the program (A) with respect to its effectiveness in achieving its purposes as

stated in section 2, and (B) with respect to the Commissioner's conduct in the administration of the program;

(3) meet not less than four times in the period during which the program is authorized, and submit, through the Secretary, to the Congress at least two interim reports, which reports shall include a statement of its activities and of any recommendations it may have with respect to the operation of the program; and

(4) not later than December 1, 1973, submit to the Congress a final report on the operation of the program.

(b) The Commissioner shall submit an estimate under the authority of section 401 (c) and part C of the General Education Provisions Act to the Congress for the appropriations necessary for the Council created by subsection (a) to carry out its functions.

[From the Congressional Record, Senate, Feb. 9, 1971]

S. 683—Introduction of a Bill To Be Known as the Quality Integrated Education Act of 1971

Mr. MONDALE. Mr. President, I introduce for appropriate reference a measure which I call the Quality Integrated Education Act of 1971, cosponsored by Mr. Bayh, Mr. Brooke, Mr. Case, Mr. Cranston, Mr. Gravel, Mr. Harris, Mr. Hart, Mr. Hatfield, Mr. Hughes, Mr. Humphrey, Mr. Inouye, Mr. Kennedy, Mr. McGovern, Mr. Montoya, Mr. Muskie, Mr. Randolph, Mr. Ribicoff, Mr. Tunney, and perhaps other Senators who have been studying this proposal.

The basic purpose of this bill—I shall summarize its specific provisions at a later point in my statement—is to refocus school integration efforts on the educational needs of children, and on the most hopeful ways to meet these needs.

Despite the divisive rhetoric of the past 17 years, the real issue is, and always has been, provision of equal educational opportunity to all of our children. It was concern with the educational needs of children which marked the Federal Government's initial involvement with the process of public school integration in 1954, with the Supreme Court's fundamental decision in Brown against Board of Education. It is precisely this concern which we must recapture now.

We have learned over the years that the children who are damaged by segregated education are not only the black, Chicano, Indian, or other minority children who are its most obvious victims. In his testimony before the Select Committee on Equal Educational Opportunity, of which I am chairman, Dr. Kenneth Clark stated that advantaged, white middle-class children are also damaged by educational systems which fail to practice the principles of racial justice and equality of opportunity that they teach. On another level, all of us and all our children—black, white, and brown, rich, and poor—suffer as each passing year brings us closer to the tragic divided America foreseen in the report of the President's National Advisory Commission on Civil Disorders.

Although the beginning of the Federal concern for school desegregation, the Brown case, was rooted in deep concern for children and for their education, the process of school desegregation has over the years too often resembled a vicious game in which the education of children is of secondary importance.

In the South where racial segregation was prescribed by law, and in some northern school systems, we have seen a bitter struggle over what is called compliance. The Federal Government claims victory when it achieves conversion to a unitary school system even if very little meaningful integration has been accomplished, and even if the process includes, for example, the closing of modern black schools or the firing of qualified black faculty members and creates a climate of bitterness which can damage the education of children for a generation. School systems frequently strive desperately for the least short-term change possible, without any real concern for the long range effect this strategy will have on the education of the children—black, brown, and white—in their care.

In the North all of us—the executive branch, the Congress, local school officials and the community at large—have hidden behind the legalism of so-called de facto segregation, justifying inaction on the ground that the segregation of our schools just happened and ignoring its obvious effect on our children and their educations.

And throughout the Nation we have largely ignored discrimination against Mexican-American, Indian, and Puerto Rican and other minority children and paid far too little attention to their special educational needs.

It is time for this Nation and this Congress to face the urgent needs of our Nation's single most important resource—our children. It is time for us to begin to solve the problem of racial separation in our public schools in a sensitive, humane, and intelligent way, with an understanding of the complex educational issues involved, with reference to those hopeful strategies which have been developed over the past few years, and with the objective of better education for all our children firmly in mind.

Last spring, President Nixon proposed the expenditure of $1.5 billion to assist the process of desegregation in the South and to encourage some movement toward reducing the number of children in racially isolated schools in the North. I support and applaud the President's initiative.

However, the legislation which accompanied his request was so vaguely drawn that I and many of my colleagues feared that little real change would result. We saw the danger that funds would be doled out as payment for adoption of a desegregation plan, regardless of its quality, in de jure segregated school districts, and as payment for the most token efforts in so called de facto districts, so that after 2 years we would have learned little and made less progress toward solving the problems which confront us. A recent New York Times editorial entitled "Benign Deceit in Desegregation" underscored this conclusion. I ask unanimous consent that it be printed in the RECORD at the close of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MONDALE. We have had a rare opportunity to preview the proposed program in action. Last August, the Congress enacted over the President's veto an Education Appropriation Act which included an emergency appropriation of $75 million to implement, in limited form, the program proposed in the President's message. Amendments attached in the Senate were designed to prevent the most flagrant abuses. Additional safeguards, required under title VI of the Civil Rights Act of 1964, were incorporated in HEW regulations. These provisions prohibit assistance to local educational agencies which gave public support to racially segregated private academies. They prohibit assistance to local educational agencies which fire or demote black faculty members. They prohibit reduction of local per pupil expenditures as the result of desegregation.

And yet, the administration of this program has borne out our worst fears. Last November six civil rights groups—American Friends Service Committee, Delta Ministry of the National Council of Churches, Lawyers Committee for Civil Rights Under Law, Lawyers Constitutional Defense Committee, NAACP Legal Defense and Education Fund, Inc., and the Washington Research Project—issued a carefully documented report which demonstrates widespread abuse of these provisions and the failure of HEW to act to correct noncompliance.

Of the 295 local educational agencies visited by the six civil rights groups, 179 were found to be in clear violation of the statutes and regulations. In 87 others, the six groups found evidence of violations. Federal funds intended to support integrated education are instead often supporting segregated classrooms; segregated transportation systems; segregated faculties and staffs; dismissal and demotion of qualified black teachers, principals and coaches; and donation of property and services to private segregated schools. These Federal funds are often supporting school districts which refuse to comply with plans for student assignment submitted to HEW or ordered by Federal courts.

In addition, and perhaps more important, review of project applications by the six civil rights groups and by members of my staff demonstrate that HEW has made no concerted effort to support or encourage development of affirmative programs in quality integrated education. Rather, HEW has expended these funds as general aid, on the basis of applications which lack specificity, for projects which are often unrelated to the process of school desegregation.

In view of the performance of HEW under the emergency appropriation, the need for a program carefully designed by the Congress is clear.

During the last legislative session, the Education Subcommittee, under the able leadership of the Senator from Rhode Island, conducted extensive hearings on the measure proposed by the President. The Select Committee on Equal Educational Opportunity spent 9 months in an intensive examination of the general problem. The work of these two committees resulted in the preparation of a bill which incorporates a nationwide program to support the voluntary establishment of carefully defined, stable, quality integrated schools.

We believe that this program, if it is carefully administered by the administration and by school districts throughout the country, will provide fair and long overdue demonstration of the benefits of quality integrated education—pursued rationally as an educational objective—and will immeasurably increase our knowledge of the best means to provide equality of educational opportunity.

Mr. President, the foundation of the Quality Integrated Education Act of 1971 is the concept of the stable, quality integrated school. Over 60 percent of the funds authorized under the act would be reserved for the establishment of such schools—over 40 percent for establishment of integrated schools by individual school districts, 10 percent for interdistrict cooperation, and 10 percent for the construction of several model integrated education parks.

In defining the integrated school we have relied heavily on the massive study "Equality of Educational Opportunity"—the Coleman report—prepared under the direction of Dr. James S. Coleman for the Office of Education in 1966, and on recent testimony by Dr. Coleman, Dr. Thomas Pettigrew of Harvard University, and others before the Select Committee on Equal Educational Opportunity. These authorities agree that children learn more from each other than from any other single educational resource; that interaction with children from educationally advantaged backgrounds has an even greater impact on the development of learning skills than the quality of the teaching staff or the quality of the physical facility; and that the presence of children from educationally advantaged backgrounds is perhaps the most important element in successful integration.

As Dr. Pettigrew testified:

> One of the essential components of equal educational opportunity for the United States is racial and social class integration of our Nation's public schools. The relevant social science research, in my opinion, forces this conclusion upon us.

In testimony before the select committee, Dr. Coleman made the same point:

> There is, however, another set of resources in the school which is not measured by educators' school quality measures. This is the educational resources brought to the school by other children, as a result of their home influences and earlier school influences.
>
> These resources are things like reading material in the home, the amount and level of discussion in the home, the parents' level of education, the parents' interest in the child's education.
>
> When these educational resources are related to a child's school performance—that is, the educational resources brought to the school by other children at school—the result showed a stronger relation than for any other resource in the school.
>
> In effect, it means that if a child is going to school with other children who are performing at a high level, he, himself, will do better than if he was going to school with other children who are performing at a low level.
>
> What appears to happen is that the educational resources held by other children are more important in increasing a child's own achievement than those that are allocated by the school board.

It is interesting to note that this position was supported by President Nixon in his March 24, 1970, message on school desegreation.

The President said:

> From an educational standpoint, to approach school questions solely in terms of race is to go far astray . . .
>
> The data strongly suggests, also, that in order for the positive benefits of integration to be achieved the school must have a majority of children from environments that encourage learning—recognizing, again, that the key factor is not race but the kind of home that the child comes from.

In recognition of this evidence, the bill we are introducing today specifies that an integrated school must contain a substantial proportion of children from educationally advantaged backgrounds. Despite the President's statement, the administration's desegregation bill fails to require or even mention this concept as an element in programs to be funded.

A second basic element of the integrated schools' approach is real integration. Schools which receive funding would be substantially representative of the minority group and nonminority group student population of the local educational agency in which they are located. This provision assures that funds will not be used to support token integration, but instead will support the kind of integration which if successful can be replicated throughout a school district. In addition, it assures that minority and nonminority children will participate in the program on an equitable basis. The bill contains similar definitions of representativeness for the faculty of an integrated school.

A third important element is the requirement that schools receiving funds under the act be stable. We believe that funds for hopeful quality integration should be devoted to schools that in the judgment of the Commissioner will not be victims of resegregation.

A fourth element in our approach is the requirement that integrated schools contain a well-planned program for the provision of quality education in an integrated setting. School districts would receive funds to provide in-service teacher training, advanced teaching techniques, modern curricula designed to promote inter-cultural awareness, teacher aides, special guidance and counseling services, and, where appropriate, programs of bilingual, bicultural education to assure educational excellence in integrated schools.

Over 40 percent of the funds authorized would be reserved for the establishment of stable, quality integrated schools by individual local educational agencies. Many American schoolchildren, however, presently attend school districts in which the proportion of minority group children is so great that the immediate prospect for stable integration within the confines of a single district are dim. Therefore, 20 percent of the funds authorized would be reserved for programs of interdistrict cooperation and the establishment of education parks.

Ten percent of the funds authorized would be invested in voluntary programs of urban-suburban cooperation along the lines suggested by Senator Ribicoff, to establish integrated schools containing a substantial proportion of children from educationally advantaged backgrounds and at least half the proportion of minority group students found in the metropolitan area as a whole. As Professor Pettigrew testified before the Select Committee:

> A metropolitan perspective is essential. Pessimists often regard the racial integration of schools as impossible because of the growing concentration of black Americans in central cities.
>
> But as soon as we adopt a metropolitan perspective the dimensions of the problem are abruptly altered. Black Americans constitute only 1% of our national population and only about 14% of our metropolitan population.

An additional 10 percent of the funds authorized would be invested in the establishment of several demonstration educational parks. An education park would be an integrated school, located in a metropolitan area, serving students from preschool through grades 12. It would consist of high schools, junior high schools, and elementary schools located on a single campus under unified direction.

Education parks would be stable, quality integrated schools, with student bodies containing substantial proportions of children from educationally advantaged backgrounds which are representative of the minority group and nonminority group student population of the metropolitan area. They would lower capital costs by as much as 15 or 20 percent. They would permit wider course offerings and lend themselves to the incorporation of modern teaching techniques such as individualized instruction. They would facilitate cooperation with private schools and with colleges and universities.

Many experts, including Dr. Pettigrew, and the Commissioner of Education, Mr. Marland, believe that education parks are among the most encouraging strategies for the long term improvement of urban education, yet it is clear that without Federal support, local school districts are unable to experiment with this promising concept.

The bill we are introducing today reflects an initiative of Senator Javits which sets aside between 10 and 15 percent of the funds for experimental pilot programs designed to improve the academic achievement of children in minority group isolated schools, in school districts where integration appears difficult in the short term. We hope that these programs will result in the development of new strategies to improve the education of children in these school districts.

Five percent of the funds would be invested in integrated educational television on the Sesame Street model. A recent report by the Educational Testing Service indicated that such programs can play an important part in the development of crucial academic and social skills for children from all racial and economic backgrounds. Sesame Street itself proved highly successful with children ages 3 to 5. We hope to see additional programs for preschool children and similar programs to serve older children with appropriate emphasis on nonblack minority groups. As the Educational Testing Service evaluation states:

> In general, *Sesame Street* achieved its goals. They were important goals. Since this experimental television program for preschoolers was so successful, it would be a travesty of responsible educational policy making were not more, similarly-conceived television programs funded, developed, researched, and presented.

Six percent of the funds authorized would be reservd for funding of private nonprofit organizations, including parent and community groups, for projects designed to promote equal educational opportunity by encouraging the participation of children, students, and teachers in the education process and improving communications between the school and the community.

Three percent of the funds would be reserved to reimburse the cost of successful suits by parents and teachers to enforce the terms of the act, related education legislation and the constitutional guarantees of the 14th amendment and title VI of the Civil Rights Act of 1964. By opening up the resources of the private bar, this provision would provide injured citizens with some guarantee against the abuses which have occurred under the emergency appropriation. The provision would encourage a nationwide effort to protect the Constitutional rights of minority group children to freedom from discrimination in public education with appropriate emphasis on cases of discrimination against all minorities.

Ten percent of the funds would be reserved to the Commissioner of Education for allocation among the otherwise authorized activities.

To insure equitable distribution of funds, over 60 percent of the funds appropriated would be apportioned for grants within each State on the basis of the ratio that the number of minority group public schoolchildren in each State bears to the total number of minority group public schoolchildren in the remainder—the funds reserved for education, parks, interdistrict cooperation, attorneys' fees, and integrated educational television together with the 10 percent reserved to the Commissioner for allocation among the activities authorized in the bill—would be allocated to the Commissioner of Education to distribute on the basis of the quality of applications.

The bill contains safeguards against discriminatory practices, modeled upon those added in the Senate to the emergency $75 million appropriation and those adopted by HEW by regulation. These safeguards prohibit funding of local educational agencies which, since enactment of the emergency appropriation last fall, have engaged in the following practices: aid to private segregation academies operating as alternatives for white students fleeing desegregated public schools; discrimination against minority group teachers or other minority group personnel; segregation of children within schools for a substantial portion of the school day in conjunction with desegregation or the establishment of an integrated school; limiting participation of minority group children in extracurricular activities, or limiting extracurricular activities, in order to avoid the participation of minority group children; or other discrimination on the basis of race, color, or national origin.

Local educational agencies may receive a waiver for violations committed prior to the enactment of this act, if the Commissioner of Education is satisfied that the abuses have been corrected and will not recur. However, local educational agencies which violated these provisions while receiving funds under the $75 million Emergency School Assistance program must submit applications of special merit. The appropriate committees of the Senate and House must be given notice of intention to grant waiver.

The administration's performance under the $75 million emergency appropriation gives us little confidence that these safeguards will be applied in practice. But their application is crucial. The value of integrated education to the children involved is lost if discrimination continues to be practiced within a so-called integrated school. When a qualified black teacher is fired because of his race, or Chicano students are placed in segregated classrooms, the message is not lost on the students or on the community at large.

In addition to these provisions which are designed to prevent funding of local educational agencies which continue to engage in the most blatant forms of discrimination, the bill contains provisions designed to insure that programs under the act are understood by the community at large and that parents, teachers, and students are given a voice in program development and implementation. Since the establishment of integrated schools is by definition a program of human relations as well as education, these provisions are vitally important.

Therefore, the application and other pertinent documents must be made readily available to the public by the local educational agencies and by the Commissioner of Education. Applications must be developed through a process of open hearings and with the full participation of a committee of parents, teachers, and, where applicable, secondary school students, of which at least half the members are parents and at least half the members are from minority groups. Applications which do not receive the support of the committee must be forwarded to the Commissioner with the comments of the committee appended and may be approved by the Commissioner of Education only upon his finding that the local educational agency had good cause to proceed without committee approval.

Unless we are prepared to seriously consult parents, teachers, and students in the development and implementation of programs under this act, we cannot expect them to be successful.

Finally, the bill would establish a National Advisory Council on Equality of Educational Opportunity, consisting of 15 members, of whom at least half must be members of minority groups, to evaluate and report to the Congress on the operation of the program by December 1, 1973. This report should provide the Congress with an assessment of the program and its implementation and a basis for its revision and expansion.

Mr. President, we still have an opportunity to demonstrate our commitment to quality integrated education, but this opportunity will not last forever. Black, Chicano, Puerto Rican, and Indian parents know that we have not genuinely tried to practice what we so easily preach. Misuse of the initial $75 million emergency appropriation cannot have reassured them. It is not surprising that many minority parents—and white parents as well—who for years have hoped and worked for integrated education are now seeking other approaches to educational quality.

We must demonstrate to these parents, and especially to the parents of the South, black and white, that our concern for school integration is based upon a deep commitment to education of high quality which is beneficial to all children. We must recapture the concern for children and their education with which we began in 1954. If we do not, integrated education will be held a failure without an honest trial.

The bill we introduce today is not a complete answer to the problem of segregation in our public schools. Any comprehensive solution will require a far greater investment than the $1.5 billion which the administration has promised to spend over the next 2 years, and must be part of a broad commitment to the reunification of American society—a commitment to give middle-class working Americans the opportunity for decent housing and a decent way of life in central cities, a commitment to open housing and employment in the suburbs to those who are less affluent or who are members of minority groups.

But the bill we introduce today does provide a sensitive and realistic beginning. It does, in our judgment, insure that quality, stable integrated schools—with educationally advantaged students, community involvement and support, sensitive curricula, and other positive elements—will be established and evaluated in hundreds of school districts throughout the Nation. It does insure that promising proposals for metropolitan integration—education, parks, urban-suburban cooperative efforts—will be tried and evaluated. It does insure, if properly administered, than at the end of 2 years the kind of integration proposals that research suggests are most encouraging will have been attempted in numerous communities across the country.

It is our hope and our belief that the program which we propose will demonstrate the advantages of quality integrated education to American parents, and will greatly expand our knowledge of the best ways to achieve integrated education.

I ask unanimous consent that the bill, a summary, and a section-by-section analysis of it be printed in the Record.

The PRESIDING OFFICER (Mr. Chiles). The bill will be received and appropriately referred; and, without objection, the bill, the summary, and the section-by-section analysis will be printed in the Record, in accordance with the Senator's request.

The bill (S. 683) to provide financial assistance for the establishment and maintenance of stable, quality, integrated education in elementary and secondary schools to assist school districts to overcome the adverse educational effects of minority group isolation, and for other purposes; introduced by Mr. Mondale, for himself and other Senators, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the Record.

The summary, presented by Mr. Mondale, is as follows:

Summary of Quality Integrated Education Act

1. Authorizes $1.5 billion over the next two years for the following purposes:

40 to 45% of the funds for creating and maintaining *stable, quality integrated schools* that contain substantial proportions of children from educationally advantaged backgrounds and are representative of the minority group and nonminority group student population of the school districts in which they are located. These schools are designed to be hopeful, promising, non-token demonstrations of quality integrated education that could be duplicated throughout the school districts.

10 to 15% of the funds for promising *pilot programs in racially or ethnically isolated schools* in districts with over 50% minority students or 15,000 minority students.

10% of the funds for *education parks* in metropolitan areas containing substantial proportions of children from educationally advantaged backgrounds, and student bodies that are representative of the minority group and non-minority group student body of the metropolitan area.

10% of the funds for *interdistrict cooperation*. Urban-suburban cooperative efforts producing schools containing children from educationally advantaged backgrounds and a proportion of minority group students equal to one-half the proportion of minority group students in the standard metropolitan statistical area would be eligible for funding.

10% of funds *for the Commissioner* to allocate as he sees fit among the various activities authorized in the Act.

6% of the funds for funding *private nonprofit groups* to promote equal educational opportunity by encouraging the participation of parents, students and teachers in the education process.

5% of the funds for *integrated children's education television programs* similar to Sesame Street.

3% of the funds are reserved for reimbursement of attorneys' fees in successful desegregation and education lawsuits protecting rights under this Act, Title VI of the Civil Rights Act, 14th Amendment, and Title I of ESEA.

1% of the funds are reserved for evaluation.

2. *Other Provisions:*

Safeguards prohibiting aid to school districts aiding private segregation academies, firing or demoting minority group teachers, tracking and segregating children within the school, limiting extra-curricular activities to avoid integration or engaging in other discriminatory actions.

Public information and *community participation* provisions requiring that all documents relative to the application must be made public and developed in open hearings with a participation of a bi-racial committee of parents, teachers, and students.

Authorizes *bi-lingual, bi-cultural efforts* or projects specifically designed for Spanish-speaking or other ethnic minorities where appropriate.

Carefully defines and *limits to very specific educational purposes* the activities fundable under this Act (including a provision that not more than 10% of any grant can be for remodeling) unlike other bills that would fund practically any "other specifically designed programs or projects which met the purposes of this Act."

Encourages the establishment of quality integrated schools, *nationwide*, regardless of whether a legal requirement exists.

The analysis, presented by Mr. Mondale, is as follows:

ANALYSIS OF QUALITY INTEGRATED EDUCATION ACT OF 1971

1. *Title*

"Quality Integrated Education Act of 1971"

2. *Findings and Purpose*

The bill contains findings that segregation of school children by race, color or national origin, regardless of its cause, is harmful to all children and deprives them of equality of educational opportunity, and that such segregation exists throughout the nation.

The bill states two purposes: (a) To provide financial assistance to encourage establishment and maintenance of stable, quality integrated schools, throughout the nation, which provide sensitive programs for the education of children from diverse backgrounds, and which utilize modern educational techniques including where appropriate, integrated bi-lingual, bi-cultural education; (b) To aid school children to overcome the educational disadvantages of minority group isolation.

3. *Appropriations*

The bill authorized $500 million for the period beginning with enactment and ending June 30, 1972, and $1 billion for the following fiscal year.

Funds appropriated are to remain available for one fiscal year beyond the fiscal year for which they are appropriated, except that funds for attorneys, educational television and education parks remain available until expended.

Funds appropriated for any fiscal year are to be reduced to the extent that Office of Education expenditures for other programs during that year are reduced from the preceding year.

4. *Earmarks*

a. *Attorneys' Fees*

Three percent of the funds authorized are earmarked to reimburse attorneys' fees and costs not otherwise reimbursed in successful lawsuits pertaining to elementary and secondary education under this Act, Title VI, the 14th Amendment and Title I of ESEA.

b. *Children's Television*

Five percent of the funds authorized are earmarked for integrated children's television programs. The bill authorizes grants to not more than ten private nonprofit organizations. It provides that programs must be made available for transmission free of charge and shall not be transmitted under commercial sponsorship. The bill requires that members of minority groups be employed in responsible positions, that grantees utilize modern television techniques and adopt effective procedures for evaluation.

c. *Education Parks*

The bill earmarks 10% of the funds authorized for construction of education parks in standard metropolitan statistical areas. An education park must have student bodies of which a substantial proportion are children from educationally advantaged backgrounds and which are representative of the minority group and non-minority group population of the standard metropolitan statistical area in which they are located, and faculties and administrative staffs with substantial representation of minority group persons.

d. *Inter-District Cooperation*

The bill sets aside 10% of the funds for suburban school districts with low concentrations of minority group students to establish, through cooperation with urban school districts, integrated schools with student bodies of which a substantial proportion are children from educationally advantaged backgrounds and which contain a proportion of minority group students equal to one-half the proportion of minority group students in the standard metropolitan statistical area.

For example, in the Washington, D.C. SMSA, which is approximately 30% black and 70% white, Montgomery County could receive funding for establishing in cooperation with the District, a stable quality integrated school containing a student body of which 15% are minority group students.

e. *The Commissioner's 10%*

Ten percent of the funds appropriated are reserved for the Commissioner to allocate as he sees fit among the various activities authorized in the Act.

f. *Evaluation*

One percent of the funds appropriated are reserved for evaluation.

5. *Apportionment to the States*

The remainder of the funds (61%) will be apportioned among the States on the basis of the number of minority group children in each State, except that no State will receive less than $100,000, for the following purposes:

a. *Quality Integrated Schools*

Approximately 70% of the funds allocated to the States (40–45% of the funds authorized under the Act) are allocated to fund quality integrated schools *within* school disrticts. These schools must be stable, contain a substantial proportion of children from educationally advantaged backgrounds, be substantially representative of minority group and non-minority group student population of the district and contain representative faculties.

Funds would be provided for the following activities in integrated schools:

(1) New curricula and instructional methods to support a program of integrated instruction, including instruction in language and cultural heritage of minority groups;

(2) Remedial services;

(3) Guidance and counseling services designed to promote mutual understanding between minority group and non-minority group parents, students, and teachers;

(4) Administrative and auxiliary services;
(5) Community activities including public information efforts;
(6) Recruiting, hiring and training teacher aides with preference given to parents;
(7) In-service teacher training;
(8) Planning, evaluation and dissemination of information;
(9) Minor alteration and remodeling limited to 10% of a grant.

Districts are eligible for funding integrated schools which have 1,000 minority group students constituting 20% of the district's enrollment, or 3,000 minority group students constituting 10%. This limits funding under the integrated schools section to 1,010 districts (of approximately 18,000 in the Nation) containing 85% of the Nation's minority group students.

b. *Racial and Ethnic Isolation*

Of the funds allocated to each State, one-sixth to one-fourth (10–15% of the funds under the entire Act) are reserved for promising pilot programs in racially or ethnically isolated schools. Districts are eligible only if they contain over 50% minority students, or 15,000 minority group students. Within the eligible districts, only schools with student bodies containing at least two-thirds minority group students would be eligible for pilot programs.

c. *Community Groups*

Ten percent of the funds allocated to each state (approximately 6% of the total funds under the bill) are reserved for funding private non-profit groups for programs and projects to promote equality of educational opportunity through: encouraging the participation of parents, students and teachers in the design and implementation of educational planning; providing services which will enable parents to become effective participants in the education process; conducting school-related activities to reinforce student growth and achievement; or improving communications among the school, minority and non-minority parents, students and teachers.

6. *Safeguards*

The bill prohibits funding districts which, since August 18, 1970, have engaged in the following practices:

a. Aid to private segregated schools in violation of the standard adopted by the U.S. District Court in *Green* vs. *Kennedy;*

b. Disproportionate demotion or dismissal of minority group teachers in conjunction with desegregation or the establishment of an integrated school;

c. Segregation of children within classes for a substantial portion of the school day in conjunction with desegregation or the establishment of an integrated school;

d. Limiting participation of minority group children in extracurricular activities, or limiting extra-curricular activities in order to avoid participation of minority group children. or other discrimination among children on the basis of race, color or national origin.

WAIVER

Districts may receive a waiver for violations committed prior to enactment of this Act. However, districts which committed violations while funded under the $75 million ESAP program must submit applications of special merit. The Senate Committee on Labor and Public Welfare and the House Committee on Education and Labor must be given notice of intention to grant waiver. No waiver may be granted until 30 days after receipt of the notice by the appropriate Chairmen.

7. *Community Participation*

a. All documents pertinent to the application must be made open to the public by HEW and the school district.

b. Applications must be developed through a process of open hearings, and with the participation of a committee composed of parents, teachers and students of which at least half the members are parents and at least half the members are from minority groups.

c. Applications would require approval by the committee, but absent approval, committee objections would be appended to the application and the Commissioner of Education would have 30 days to decide.

8. *Priorities*

The bill requires that priority be given to school district applications which place the largest members and proportions of minority group children in integrated schools, and which show the greatest educational promise.

9. *National Advisory Council*

The bill would establish a National Advisory Council on Equality of Educational Opportunity consisting of 15 members at least half of whom must be members of minority groups, which must report to the Congress on the operation of the program by December 1, 1973.

10. *Commissioner*

The Subcommittee bill would place administration in the hands of the Commissioner with one exception: only the Secretary could grant waivers of the safeguard provisions.

Purpose	Percent of total funds	Approximate amount
Reserved:		
Commissioner's fund	10	$150,000,000
Education parks	10	150,000,000
Inter-district cooperation	10	150,000,000
Educational TV	5	75,000,000
Attorneys' fees	3	45,000,000
Evaluation	1	15,000,000
Total	39	585,000,000
Apportioned among the States:		
Community groups	6	90,000,000
Pilot programs in racial isolation	10–15	–150,000,000 225,000,000
Integrated schools	40–45	–600,000,000 675,000,000
Total	61	915,000,000

EXHIBIT 1—BENIGN DECEIT IN DESEGREGATION

Last May, in the only constructive recommendation of an otherwise vague message on racial problems in the schools, President Nixon asked Congress for $1.5 billion to speed desegregation. These funds were to help Southern school districts eliminate dual school systems and underwrite Northern efforts to attain better-integrated quality education in *de facto* segregated schools.

There have been recurring charges that an initially authorized emergency fund of $75 million has been widely abused, either by being spent on unrelated purposes or, incredibly, on subsidizing schools which violated the letter or the spirit of the desegregation laws.

It is against this background that the failure of the 91st Congress to pass the $1.5-billion measure must be viewed. Liberals in the Senate, already disturbed by the questions raised concerning the use of the interim funds, were further alarmed when the House submitted a measure so permissive that its original intent might come to be overlooked. Such misgivings were intensified by an amendment prohibiting the use of these funds for busing in the interest of integration. And so last-minute efforts to pass a revised measure failed.

The bill should be revived early in the new Congress, but with a clear acknowledgment of its purpose. As the legislation began to run into trouble in its first round there was a growing feeling, even among sincere opponents of segregation, that its flaws ought to be overlooked. Education is so desperately in need of aid, the argument ran, that all children, black and white, would benefit, even if the legislation did not specify in detail its real mission.

Though well-intentioned, this is a specious argument. The schools do, of course, need increased Federal subsidies; but the vehicle for such aid is the Elementary and Secondary Education Act. If Congress wants to propose additional subsidies, it can and should do so. But to appropriate funds intended to bring about speedier, more peaceful and educationally sound integration, without the proper assurance that the money will be spent for just such purposes, would be a policy of benign deceit.

A measure to implement President Nixon's original recommendation should be enacted without delay. But the effect of a costly desegregation bill that does not desegregate would be to give the Administration one more opportunity to take credit for good intentions, while secretly pleasing the segregationists.

Senator PELL. Senator Mondale, would you like to make a statement?

Senator MONDALE. No, thank you, Mr. Chairman.

Senator PELL. Mr. Secretary, will you proceed.

STATEMENT OF HON. ELLIOT L. RICHARDSON, SECRETARY OF HEALTH, EDUCATION, AND WELFARE; ACCOMPANIED BY HON. SIDNEY P. MARLAND, JR., U.S. COMMISSIONER OF EDUCATION; J. STANLEY POTTINGER, DIRECTOR, OFFICE OF CIVIL RIGHTS; AND CHARLES B. SAUNDERS, JR., ACTING ASSISTANT SECRETARY FOR LEGISLATION

Secretary RICHARDSON. Thank you very much.

Mr. Chairman and members of the subcommittee, I am delighted to be joined on first base this morning by the Commissioner of Education, on my immediate left, the Honorable Sidney P. Marland, Jr., on my right, Mr. Stanley Pottinger, Director of the Office of Civil Rights, and on my far left the Acting Assistant Secretary for Legislation, Charles B. Saunders, Jr.

I am sure I speak for all my colleagues in the administration, Mr. Chairman, when I say that we greatly appreciate the sense of urgency you expressed a moment ago in opening these hearings, and we certainly look forward to cooperating with you and members of the subcommittee in developing a bill that can receive majority support, not only in the subcommittee but in the full committee and in the Senate.

I am pleased to have the opportunity, with the Commissioner of Education, to testify in support of the administration's bill introduced by Senator Javits and Senator Griffin, a bill to provide assistance to school districts faced with the problems of racial isolation and desegregation.

I have already had occasion during the last session of Congress to speak to most of you directly about this proposal, but this is my first opportunity to address the subcommittee as such on this matter of great national concern.

The Emergency School Aid Act is among the administration's highest priorities. In his message of last May 21, transmitting this bill to the Congress, the President said:

> Our goal is a system in which education throughout the nation is both equal and excellent, and in which racial barriers cease to exist.

The President reaffirmed his commitment to this goal a few weeks ago when he again urged the Congress to take prompt action on this bill and others that were among the unfinished business of the 91st Congress.

S. 195, as introduced by Senator Javits and cosponsored by Senator Griffin, substantially reflects the bill transmitted to the Congress by the President.

Commissioner Marland will discuss this proposal in detail. I would like to address the more general subject of the problems facing the

Nation in this critical area and the need for prompt action on the President's proposal.

On January 14, I issued a statement announcing the results of the latest nationwide school survey conducted by the Department's Office for Civil Rights. These data indicate that, while unprecedented gains have been made since 1968 in reducing racial isolation in the Nation's schools, substantial work remains if we are to realize the goal of equality of educational opportunity.

For example, while the percentage of minority children attending majority white schools has more than doubled since 1968 in the 11 Southern States, there has been little change in this regard in the 32 Northern and Western States.

In addition, the data indicate that there is room for improvement nationwide in reducing the number of minority students attending schools of more than 80-percent minority composition.

I think the committee will agree, however, that the data on racial isolation reflect only one facet of the problem. The greater challenge facing us in the immediate future is providing high quality education for all children as the integration of the schools progresses.

In this regard, the President said in his May 21 message that:

> Desegregation is vital to quality education—not only from the standpoint of raising the achievement levels of the disadvantaged, but also from the standpoint of helping all children achieve the broad-based human understanding that increasingly is essential in today's world.

It is out of commitment to this important goal that I urge prompt action on the Emergency School Aid Act.

The extent of the administration's commitment is evident in very tangible terms. The President's budget, as Senator Javits pointed out, for fiscal year 1972 shows a request for $1.425 billion in additional funds under the authority of the Emergency School Aid Act.

In addition, the budget indicates a slight increase in other elementary and secondary programs, which should finally put to rest fears which have been expressed that the administration would finance the Emergency School Aid Act at the expense of other elementary and secondary programs.

During the course of debate on the Emergency School Aid Act in the last Congress, certain questions were raised regarding the administration of the $75 million appropriation granted last August for school desegregation activities. I would like to give you a brief status report on that program.

As of the end of January 1971, 882 school districts had been funded in the amount of $60.7 million. These funds have contributed greatly to meeting the most critical needs of desegregating school districts this past fall. I believe that the availability of these funds was responsible in large measure for the relatively calm and smooth transition from dual to unitary school systems which occurred.

The decision to allocate the funds as quickly as possible to desegregating school districts was mine, and I take full responsibility for it. By emphasizing speed, we did sacrifice a degree of control, but we did not abdicate control. On the contrary, despite the pressures of time, we did review each project in terms of its design and compliance with program regulations prior to funding. Where serious problems were found to exist, the project either was not funded, or funding was delayed pending a resolution of the problem.

A number of districts were rejected in this pregrant review. For example, 33 districts were sent formal rejection letters because of eligibility or assurance problems. An additional six districts have been, or are in the process of being sent letters initially rejecting their application, but affording an opportunity to present information needed to clear up the stated eligibility or assurance problems.

Also many of the districts originally identified as potentially eligible chose not to submit applications after being advised of program requirements.

Because of the dispatch with which funding determinations were made, errors did occur, which we readily concede. For example, we have identified two districts—Northampton, Va., and Stewart County, Ga.—which were clearly ineligible, but nonetheless were funded by administrative error. Letters have been sent to both, voiding their grants and requesting that all ESAP moneys allocated to date be returned.

The eligibility status of several other funded districts is currently being investigated. If it is determined that these districts were ineligible, their grants will also be voided.

In November we began extensive postgrant, on-site reviews. The Office of Education's Division of Equal Educational Opportunity (title IV) has conducted on-site project reviews of 187 of the 882 funded districts through the end of January.

In the same period, the Office for Civil Rights (OCR) has conducted 141 on-site reviews specifically to check compliance with the civil rights-related assurances of the regulations.

These OCR reviews are supplemented by evaluation forms which have been returned by 670 of the 882 funded districts through the end of January. The evaluation forms provide information on such matters as the establishment and composition of biracial and student advisory committees, changes in school staffing, and student classroom assignments.

Districts which fail to honor their assurance by returning the completed forms, despite follow-up letters reminding them of this obligation, are being notified of grant termination proceedings. Eleven districts have thus far been sent such letters.

Due to the limited manpower available, postgrant project and civil rights reviews being conducted by OE and OCR officials have focused on districts where complaints have been received, or possible problems are known to exist.

Various sources of information are being used to determine on-site visit priorities, including the report issued in November by six civil rights groups under the aegis of the Washington research project. In many cases, problems have been identified by Department officials akin to those noted in the Washington research project report. In other cases we have not been able to confirm such problems.

A detailed analysis of that report is being prepared for the committee and will be transmitted to you in the next day or two.

Our experience in administering the $75 million program has taught us one very important lesson: It is essential to have the proper legislative authority established well in advance of the time when initial grants are made. Adequate leadtime will provide us with the opportunity for program planning and pregrant evaluation, which are essential to a well administered program.

This is particularly true in regard to districts submitting plans to reduce and eliminate racial isolation, since many of these districts would have to design plans and have them approved by the Department prior to the beginning of the school year.

If emergency school aid funds are to begin reaching school districts in the coming fall, Congress must act immediately to provide legislative authority. If we are to benefit from our past experience, we must have time.

I would like to emphasize that the Nation's school men clearly recognize the urgent need for assistance in this critical area. Emergency school assistance is high on the list of legislative priorities outlined January 12 in a joint statement by the American Association of School Administrators, the Council of Chief State School Officers, the National Association of State Boards of Education, the National Congress of Parents and Teachers, the National Education Association, and the National School Boards Association.

(The prepared statement of Secretary Richardson follows:)

Statement by
Honorable Elliot L. Richardson
Secretary of Health, Education, and Welfare
Before the
Subcommittee on Education
Committee on Labor and Public Welfare
United States Senate
Wednesday, February 10, 1971
10:00 a.m. EST

The Secretary is accompanied by:

- **Honorable Sidney P. Marland, Jr., U.S. Commissioner of Education**
- **Mr. J. Stanley Pottinger, Director, Office for Civil Rights**
- **Mr. Charles B. Saunders, Jr., Acting Assistant Secretary for Legislation**

Mr. Chairman and Members of the Subcommittee:

I am pleased to appear here this morning with Commissioner Marland in support of the Emergency School Aid Act of 1971, a bill to provide assistance to school districts faced with the problems of racial isolation and desegregation. I have already had occasion, during the last session of Congress, to speak to most of you directly about this proposal, but this is my first opportunity to address the subcommittee on this matter of great national concern.

The Emergency School Aid Act is among the Administration's highest domestic priorities. In his message of last May 21, transmitting this bill to the Congress, the President said, "Our goal is a system in which education throughout the Nation is both equal and excellent, and in which racial barriers cease to exist." The President reaffirmed his commitment to this goal a few weeks ago when he again urged the Congress to take prompt action on this bill and others that were among the unfinished business of the 91st Congress.

S. 195, as introduced by Senator Javits and co-sponsored by Senator Griffin, substantially reflects the bill transmitted to the Congress by the President. Commissioner Marland will discuss this proposal in detail. I would like to address the more general subject of the problems facing the Nation in this critical area and the need for prompt action on the President's proposal.

On January 14, I issued a statement announcing the results of the latest nationwide school survey conducted by the Department's Office for Civil Rights. These data indicate that, while unprecedented gains have been made since 1968 in reducing racial isolation in the Nation's schools, substantial work remains if we are to realize the goal of equality of educational opportunity. For example, while the percentage of minority children attending majority white schools has more than doubled since 1968 in the 11 southern States, there has been little change in this regard in the 32 northern and western States. In addition, the data indicate that there is room for improvement nationwide in reducing the number of minority students attending schools of more than 80 percent minority composition.

I think the committee will agree, however, that the data on racial isolation reflect only one facet of the problem. The greater challenge facing us in the immediate future is providing high quality education for all children as the integration of the schools progresses. In this regard, the President said in his May 21 message that "desegregation is vital to quality education--not only from the standpoint of raising the achievement levels of the disadvantaged, but also from the standpoint of helping all children achieve the broad-based human understanding that increasingly is essential in today's world." It is out of commitment to this important goal that I urge prompt action on the Emergency School Aid Act.

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Because of the dispatch with which funding determinations were made, errors did occur, which we readily concede. For example, we have identified two districts--Northampton County, Virginia, and Stewart County, Georgia--which were clearly ineligible but nonetheless were funded by administrative error. Letters have been sent to both, voiding their grants and requesting that all ESAP monies allocated to date be returned. The eligibility status of several other funded districts is currently being investigated. If it is determined that these districts were ineligible, their grants will also be voided.

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I would like to emphasize that the Nation's schoolmen clearly recognize the urgent need for assistance in this critical area. Emergency school assistance is high on the list of legislative priorities outlined January 12 in a joint statement by the American Association of School Administrators, the Council of Chief State School Officers, the National Association of State Boards of Education, the National Congress of Parents and Teachers, the National Education Association, and the National School Boards Association.

Now I would like to ask Commissioner Marland to speak in more detail to the legislative proposals that are before this Committee.

Secretary RICHARDSON. Now, Mr. Chairman, with your permission, I would like to ask Commissioner Marland to speak in more detail to the legislative proposals before this subcommittee.

Senator PELL. Commissioner Marland, will you proceed, please.

Commissioner MARLAND. Mr. Chairman, I am pleased to be before you. This is my maiden trip to Congress as Commissioner of Education, although I do find myself among people with whom I am comfortable, having made a trip before I became confirmed to this same committee. I am pleased to be before you again.

I am here to testify in support of the President's Emergency School Aid Act of 1971.

Nearly year ago, the President proposed a program to assist school districts in meeting the additional educational costs necessitated by desegregation. Two weeks ago, he again recommended legislation to the Congress designed to achieve this purpose.

The Secretary has already underscored the urgent need for enactment of this legislation. I will, therefore, concentrate on its details, including the areas of difference from the bill submitted last year, and on the several reasons for the approach suggested by the President over others which have been suggested.

The Emergency School Aid Act of 1971 authorizes the appropriation of a total of $1.5 billion over a 2-year period. Funds appropriated for 1 fiscal year remain available for obligation during the subsequent fiscal year.

Eighty percent of the funds appropriated are allotted among the States by the Secretary of Health, Education, and Welfare on the basis of each State's relative enrollments of Negro, American Indian, Spanish-surnamed American, or other minority group children.

The legislation submitted last year provided that minority group children in districts desegregating pursuant to court order or title VI Civil Rights Act plan should be double-counted for purposes of State allocations. This feature has been eliminated in this year's bill, and all areas of the country are treated exactly the same under the revised formula.

We propose that three cataegories of local educational agencies be eligible to apply for assistance:

> Those implementing a desegregation plan pursuant to a court order or title VI plan;
>
> Those voluntarily seeking to desegregate an entire school system; and
>
> Those seeking to eliminate or reduce racial isolation in one or more schools in a system, or to prevent such isolation from occurring.

These eligibility requirements are uniform nationwide. Any school district seeking to integrate its schools—or to prevent resegregation from occurring—can qualify under one of the three categories.

Financial assistance would be available for a wide variety of activities related to the desegregation process:

> Remedial and other services to meet the special needs of children in desegregating schools;
>
> Provision of additional professional or other staff members and training and retraining of staff for desegregating schools;
>
> Development and employment of special new instructional techniques and materials;

Innovative interracial educational programs or projects involving joint participation of minority and nonminority group children, including extracurricular activities and cooperative arrangements between schools in the same or different school districts;

Repair or minor remodeling of existing school facilities, and the lease or purchase of mobile classroom units;

Provision of transportation services for students when voluntarily undertaken by the school district;

Community activities, including public education efforts, in support of a desegregation plan;

Special administrative activities, such as the rescheduling of students or teachers, or the provision of information to parents or members of the general public:

Planning and evaluation activities; and

Other specially designed programs or projects meeting the purpose of the act.

Obviously, the bill gives local education officials the widest possible latitude in devising programs designed to meet the special needs of the children of their particular school district. The only limitations on supportable programs are that they require additional funds over and above the normal expenditures of the school district, and that they be directly related to desegregation or the elimination, reduction, or prevention of racial isolation.

Section 7 of the President's proposal sets forth the criteria that the Secretary must use to approve project applications:

The need for assistance;

The degree to which the program to be funded and the overall desegregation plan are likely to effect a decrease in racial isolation;

The comprehensiveness of the desegregation plan;

The degree to which the program affords promise of achieving the purpose of the act;

The amount necessary to carry out the program; and

The degree to which the desegregation plan involves the total educational resources of the community, both public and private.

These criteria authorize the Secretary to examine the adequacy and comprehensiveness both of the school district's overall desegregation plan and of the project for which assistance is being requested.

Section 8 is a new section, not included in last year's proposal. It represents a response to the concerns expressed during House and Senate hearings that Federal funds not be used to aid, directly or indirectly, practices or activities of a discriminatory nature.

To be eligible for assistance, a local educational agency must provide the Secretary with assurances that it has not unlawfully disposed of property or services to a private segregated school, that it has not reduced its fiscal effort or lowered its per-pupil expenditure, that it is not operating under an ineffective freedom of choice plan, that it will not hire, promote, or demote professional staff on the basis of race, and that no practices (including testing) will be employed in the assignment of children to classes so as to result in the discriminatory isolation of minority group children.

These safeguards will assure that Federal funds will only be used in projects which actually reduce or eliminate racial isolation and will prevent their use to continue discriminatory activities.

Twenty percent of the funds appropriated would be reserved to the Secretary, rather than apportioned among the States. The Secretary may use these funds to support model and demonstration programs of national significance.

This provision can have a far-reaching effect on the whole process of desegregating our schools. Too often we are unsure about "what works" in education. The discretionary funds available to the Secretary will enable him to support programs that are potential models for other school systems, without regard to the limitations of State distribution formulas.

This "risk capital" invested in demonstration desegregation programs can produce a significant impact on the entire educational system.

One of the bills before the committee, S. 195, embodies the essential elements of the President's proposal. However, as he noted in his introductory statement of January 26, Senator Javits made a few changes in the language transmitted by the President. Most of the changes do not substantially alter the legislation, and we have no opposition to their inclusion.

However, we would like to note two substantive differences from the legislation we submitted:

First, S. 195 includes a fourth category of eligible local educational agencies—those operating unusually promising pilot programs for minority group isolated children, designed to improve their academic achievement in minority group isolated schools.

This category is similar to one included in the administraton's proposal to the 91st Congress, but not included in our recommendations this year. Instead, we have endorsed the compromise which was worked out with bipartisan agreement in last year's House-passed bill: that interracial or compensatory projects be permitted if they are part of a larger overall desegregation plan developed by a local educational agency.

This compromise reflects the strong feeling of committee members in the House that the focus of the bill should be on effective desegregation, and that projects which provide essentially compensatory education are better funded under title I of the Elementary and Secondary Education Act. We feel this to be a reasonable compromise, and therefore we support it.

S. 195 also contains a prohibition on any local education agency's receipt of funds, if it has engaged in certain discriminatory acts after August 18, 1970, and provides for waiver of the prohibition by the Secretary under stated conditions.

These provisions are not included in the original bill submitted by the administration because we do not feel they are necessary. Section 8 already requires a local educational agency to make assurances of nondiscriminatory conduct in order to be eligible for assistance, and any false assurance or violation of assurances given, would be subject to appropriate administrative or legal action.

The addition of the waiver process provides further complexities under the act, without providing additional safeguards.

S. 683, also before this committee, suggests another approach to the problem of school desegregation.

I would like here to add to the prepared statement that, having heard Senator Javits' hope that a compromise can be reached between the administration's proposal now before you, and that of S. 683, we eagerly seek ways to reconcile those differences. It is to that purpose that I will describe the differences, seeking ways to reconcile what we know the differences may be, while we know also that they lead to a common purpose, which we totally endorse.

Both of these bills are designed to assist school districts which wish to desegregate in meeting the extra costs of taking that action.

S. 683 directs its attention to the establishment and maintenance of stable, quality, integrated schools which can serve as models for other districts. The President characterized his proposal as "a measured step toward the larger goal of extending the proven educational benefits of integrated education to all children, wherever they live."

Certainly there is need for model-building and demonstration programs of effective approaches to integration. Section 9 of the administration's bill reserves 20 percent of the funds appropriated to accomplish such demonstration of programs of national significance.

We also agree that there is need for strict assurances of nondiscriminatory behavior by applicant school districts.

However, we believe the approach of S. 195 is superior, for several reasons:

First, we feel that more actual desegregation can be achieved under the administration bill than under S. 683. The administration bill focuses on planning for desegregation which has a systemwide impact and involves large numbers of students. In contrast, S. 683 limits its attention to the establishment of one or more stable, quality, integrated schools, without regard to their relationship to other schools of the local educational agency in which they are located.

Under the administration proposal, the Secretary has the authority to examine a local educational agency's entire desegregation plan, to assess its comprehensiveness and the degree to which it will actually achieve its purpose, despite the fact that the district is only requesting Federal assistance for a small piece of the overall plan. In this way, the Secretary can assure that only meaningful desegregation efforts receive support.

The same cannot be said for S. 683. Under that proposal, the Commissioner would be limited to examination of a school district's proposal for the establishment of one or more stable, quality, integrated schools.

He would have no authority to judge the impact of such an action on the district as a whole, or its effect on other schools within the agency which did not become stable, quality, integrated schools. A local educational agency could, therefore, build a single model school, to the detriment of the children in all its other schools. A school would be desegregated, without bringing about any real progress toward desegregation of the entire system.

Second, most school districts in the country are not eligible for assistance under S. 683. The legislation requires that an eligible local educational agency enroll at least 1,000 minority group children, representing at least 20 percent of its enrollment, or at least 3,000 such children, representing at least 10 percent.

It is estimated that local educational agencies meeting these criteria will number only about 1,000, out of about 22,000 school districts in the country. It is true that these 1,000 districts enroll more than 7 million of the 8.7 million minority group children in the country.

But, looking at the figures differently, it also means that more than 1.6 million minority group children will be eliminated from participating in programs assisted under the bill, simply because their numbers or the size of their school district does not permit it.

It does not seem reasonable to exclude children on this basis, without taking their educational needs into account.

In addition, the limitations of the formula mean that a State which neither has a school district of sufficient size nor a standard metropolitan statistical area, such as Vermont, will not be eligible for any assistance for desegregation. A $100,000 minimum apportionment per State is meaningless if no local educational agency in that State can qualify for eligibility. At the same time, there might be school districts within the State with serious problems of racial isolation which could receive assistance under the administration bill.

Third, it is questionable whether the projects funded under S. 683 would truly be models for desegregation on a large scale. In districts with substantial, but not majority, minority group populations, the standard could encourage remedial action almost exclusively in those schools where racial balancing is easiest, leaving schools with high minority concentrations untouched.

For example, in a district with an overall minority group population of 20 percent, and with individual schools ranging from 10 percent to 90 percent, local school officials might tend to target assistance on these few schools which are closest to the 20-percent balance. This would leave those schools which presumably need assistance the most—those with the highest concentrations of minority students—with no support.

On the other hand, in those districts like the District of Columbia and many other major urban areas, which have extremely high-concentrations of minority students, 60 percent or more, schools with substantial minority populations less than the districtwide average—30 percent, for example—would have to be resegregated in order to comply with the standard set forth in the law.

In this type of district, assistance is badly needed to maintain an integrated setting and to prevent a school from passing the "tipping point" and becoming resegregated, but such a school could not receive help, because it is not "substantially representative of the minority group and nonminority group student population of the local educational agency in which it is located."

Finally, we feel that the various set-asides contained in S. 683 do little to further the purposes of the legislation. For example, 5 percent of the funds must be spent on educational television, which seems to us unnecessarily restrictive.

The administration proposal is sufficiently flexible to support educational television as part of a school district's desegregation plan, if programing is linked to the plans so as to have a significant impact.

Without such a linkage—and S. 683 does not provide it—television programing would not necessarily have any direct connection with actual desegregation taking place in a local educational agency.

Similarly, educational parks may be one device to encourage integration. However, S. 683 does not provide for the development of programs for educational parks. It sets aside 10 percent of the total funds for their construction.

This is a sizable amount of money, but in the light of building costs, it is inadequate to desegregate any large school system. Pittsburgh, for example, planned desegregation through the creation of several educational parks. The plan had to be abandoned when its cost rose, through inflation, to over a quarter of a billion dollars.

Construction is necessarily a long-term proposition. It takes time to build a building. No immediate desegregation can result from the funds proposed to be set aside for educational parks.

We would prefer to see more immediate impact on the problem of racial isolation accompany the infusion of large amounts of Federal money.

S. 683 also provides a set-aside of Federal funds to support lawsuits against State and Federal officials.

We strongly oppose this provision, for several reasons. First, it would tend to throw into the Federal courts the entire burden of litigation in the areas specified. Many suits for enforcement of the 14th amendment with respect to operation of the public schools are now litigated in State courts, particularly in the North and West. Since this bill would provide funds for counsel fees only if the litigation takes place in Federal courts, potential plaintiffs would have an incentive to sue in Federal court.

Broadening the provision to include other courts would only compound administrative difficulties already inherent in the proposal. What constitutes "reasonable" attorneys' fees? What are "costs not otherwise reimbursed"? How would payments be controlled?

The provision could also tend to discourage negotiation and settlement of complaints, since the defendant would not be liable for plaintiff's counsel fees, as he may be under existing law.

The question of the Federal Government's financing private suits to enforce Federal law extends well beyond the education field and should be considered in its larger context. The whole question of priorities in the enforcement of Federal law is necessarily involved.

Would $45 million, or any other sum, be better spent on enforcing antidiscrimination laws with respect to the schools than it would be on enforcing such laws with respect to housing? Would it be better spent on providing more broad-based legal services for the disadvantaged through the OEO legal services program than on suits to enforce specific Federal law? Or would it be better spent on adding additional enforcement personnel to existing Federal enforcement staffs?

These and similar questions need to be examined in detail before any such provision is enacted.

In conclusion, I urge the subcommittee to take prompt action on the President's proposal, to assure that funds will be made available to local school officials as quickly as possible. The sooner such assistance is provided, the more effectively they can plan for use of Federal funds to meet the additional costs incident to desegregation.

While we prefer the approach of S. 195, we recognize that S. 683 seeks identical objectives and contains a number of constructive proposals. We would appreciate the opportunity to work with the subcommittee to resolve the differences in the two bills, in the hope that we can all reach early agreement on the means—as well as the need for action.

Thank you, Mr. Chairman.

Senator **Pell**. Thank you, Mr. Commissioner, and Mr. Secretary, for your statements, and for your open-door policy. We are most appreciative.

Mr. Secretary, about 2 months ago I asked for a point-by-point rebuttal of the report on the emergency school assistance program issued by certain civil rights groups. Will that be forthcoming at some point?

Secretary **Richardson**. Yes, Mr. Chairman. As I noted in my remarks, we should be able to get it to you by the end of this week.

Senator **Pell**. I noticed it in your remarks, but I wanted to be sure we are talking about the same thing.

Secretary **Richardson**. Yes, that is it.

Senator **Pell**. Good.

Senator Javits will be back shortly, so he has waived his right as the initial opener on the Republican side to Senator Schweiker.

COMMON GROUND IN TWO BILLS

Mr. Secretary, or Commissioner, whoever would like to answer this, in focusing on the differences between the two bills, and you went into great detail, Commissioner, to specify the major points of difference, I wonder if you would give us some idea for guidance of the committee as to where a common ground might lie in resolving the differences between the two bills, and what one or two items, from your point of view, would be of top priority to you, if we could resolve these differences.

In other words, you did list your points in a very detailed way. Now I am asking you to take another look and mention the top features of the bill that in your mind would accomplish your objectives, so that we might blend them together with other provisions.

What I am really saying is: what are the highest priorities of the list you gave us?

Commissioner **Marland**. I think that the Senate bill Senator Schweiker, offers very attractive opportunities under the description of education parks and other demonstration programs of what might be radiant examples of good leadership at the local level to bring about desegregation. I see the opportunities in the Secretary's 20 percent set-aside to refine and describe, more concretely even in the law, perhaps, ways in which that 20 percent set-aside can achieve the desegregation that we both speak to, without necessarily confining all of the resources to educational parks.

That would be an illustration of the ways I think we could quickly get together and come up with a sum that is better than either of the parts.

Senator **Schweiker**. I think just in this reference you pointed out in your testimony your experience in Pittsburgh. Does that address itself to the same point?

Commissioner **Marland**. This is true, and I have some familiarity with this subject, having struggled to create almost identical demonstrations of effective desegregation through the education park mode. This is costly, but, for example, if it were clear that substantial planning moneys within the 20-percent set-aside, were available to plan educational parks to get someone truly started on a very substantial demonstration, conceivably this would be a way that we would quickly adapt to each other's position.

Senator **Schweiker**. Are there any one or two points in S. 683 that would most work at odds with what you are trying to do? In other words, looking at it from the other end, what disturbs or concerns you the most about S. 683? What, in S. 683, do you not feel would achieve the objective of what you folks are trying to do?

Commissioner **Marland**. I think I would say that the most significant difference that we would find between the two positions is that our proposal speaks to a total community, or total school system, as distinct from individualized schools or sectors of a community. We think that those are quite different positions, and that with the very substantial Federal resources we have, we should speak of systemwide programs more often than we should of sectors of the city or individual schoolhouses.

That is the big difference.

"TIPPING" SCHOOLS

Senator **Schweiker**. On page 8, Commissioner, of your testimony, you cited the District of Columbia to illustrate a point, and went into how you felt it might work to resegregate the situation here, when it passed the tipping point.

I wonder if you would just explain that concept again, because I think that is a little difficult to understand.

Commissioner **Marland**. I have not quite caught up with the point you cite on page 8, Senator, but—

Yes.

Senator **Schweiker**. When you say it would have to be resegregated to comply with the provisions, is that your point?

I am not sure I understand the point, is what I am really saying.

Commissioner **Marland**. I will ask Mr. Saunders to expand on that, Senator, if you please.

Mr. **Saunders**. It would certainly not——

Senator **Schweiker**. Would you take the mike?

Mr. **Saunders**. The point is not that it would resegregate. It would simply be that, according to the language of the bill, only schools which had a racial population equivalent to that of the entire district would be eligible for funding, so in a large minority population area, only schools which met that criterion, would be eligible for assistance. Our point is that there may be many other schools which are in equal need or greater need of assistance.

Commissioner **Marland**. To add somewhat another footnote to that, if it is necessary to preserve—to establish and preserve—a fixed racial balance to qualify, as under the Senate bill, as we see it, those schools not affected by the investment of funds under this act would necessarily have to have more minority group children in them, in order to bring about a balance in a desegregated school.

It would tend, if you will, to increase segregation in those schools not affected by the site selected for investment.

Senator **Schweiker**. And the tipping point there, you are referring to what?

Commissioner **Marland**. My own experience, sir, would suggest that somewhere around 35 to 38 percent minority group children is a point at which, very often, and almost axiomatically, nonminority families will tend to move to other parts of the community, or to leave the community. As you reach that point, you lose what is a mystical kind of balance. I don't claim that it is anything but judgment and experience that tells us this. I have faced this issue as a school administrator and seen good, well-balanced schools slip through our fingers into isolated schools, as the population votes with its feet against anything that becomes a degree of balance beyond that which it appears ready to accept, at about—my guess—35 to 38 percent.

Senator SCHWEIKER. Thank you.

I just want to say I am pleased to see your reaffirmation of the point that this program will not subtract or detract or take money from any other education program. I think this has been a concern. I think you reiterated it here, which I think is good.

Is there anything further you want to add?

Commissioner MARLAND. Merely that we would insist upon this feature, Senator Schweiker.

Senator SCHWEIKER. Thank you very much, Mr. Chairman.

Senator PELL. Thank you.

Now I would like to call on Senator Mondale, who knows more about this subject than anybody else in the Senate, since he is chairman of the select committee studying the problem. That committee will still be giving us the benefits of its study, I trust, for the coming year, but probably not thereafter, the expertise of him and his staff are most valuable. The bill he has again introduced this year, which was the subcommittee bill last year, is the result of a great deal of work, and a great deal of solid belief and viewpoint which I think has and will receive from this committee full consideration on an equal basis with any other bill that comes before it.

I was interested in the statement that 35 to 38 percent had been the tipping point. I was wondering if this was the viewpoint of the chairman of the Senate Select Committee, or does he have a different view on a national basis in this regard?

Senator MONDALE. Well, one of the elements of the Education Subcommittee proposal, which I think was not discussed by Mr. Saunders, is the additional requirement that funded schools must be stable.

In other words, the bill does take into account the difficult and sometimes heartbreaking problem of resegregation. Little is gained, in my opinion, in pursuing a strategy which simply results in white flight. I think our proposal does anticipate that problem, and does require that it be considered in the development and funding of any program.

Senator PELL. My question was: Is this 35 to 38 percent about right, in your view?

Senator MONDALE. Well, for example, Berkeley, Calif. has 50 percent minority, and I don't know that they have had white flight. Hoke County, N.C., which is very unusual, has a third Indians, a third black, a third white. They had three school systems, and they integrated all of them, and it is coming along very, very well.

I think it depends upon the community, the circumstances, and upon leadership.

Commissioner MARLAND. The leadership is very important, sir.

Senator MONDALE. And the sensitivity with which the program is created.

I would also like the statement by the legislative conference on proposals of educational legislation, subpoint 6, referring to emergency school assistance, to be included at this point, because I think it shows clearly that what that conference was calling for was the adoption of a measure in this field, and that the conference has, not endorsed any particular measure. I think they want action.

Senator Pell. Without objection, that will be included.

(The information referred to follows:)

PROPOSALS ON EDUCATIONAL LEGISLATION BY LEGISLATIVE CONFERENCE OF NATIONAL ORGANIZATIONS

By Way of Explanation . . .

The Legislative Conference of National Organizations, representing the following groups:

American Association of School Administrators,
Council of Chief State School Officers,
National Association of State Boards of Education,
National Congress of Parents and Teachers,
National Education Association,
National School Boards Association,

is a natural outgrowth of The Workshop of Educational Organizations, a demonstration of the possibilities of cooperative effort in the field of public education by major national organizations primarily interested in the public schools.

Representing the broad spectrum of those most directly involved in the public education of American youth, the Legislative Conference is in a unique position to provide federal legislative recommendations based on contemporary experience and know-how. Further, we have a strong feeling that objectives reflected in these resolutions would be greatly enhanced if the federal government were to expand its efforts, in conjunction and cooperation with state and local educational authorities, concerning environmental affairs and in programs to intensify basic reading curriculum, and by paying more attention to human problems of which drug abuse is symptomatic. The following presents their 1971 recommendations:

EMERGENCY SCHOOL ASSISTANCE

We urge the Congress and the President to recognize that school districts may be faced with large costs in their efforts to achieve court-ordered or voluntary desegregation or integration plans. Often these costs cannot be borne by the local school districts as is the case where a need exists for new facilities. To assure full access to educational opportunities for all children regardless of race, ethnic background, or economic status, we urge the federal government to provide financial assistance to those districts for these added costs. However, funding for this program should be in addition to—not in lieu of—amounts appropriated for other Federal education programs in the immediate previous Fiscal Year. Funds for emergency school assistance programs should be administered through state and local educational agencies under a state plan.

Senator Mondale. And may I say that I am encouraged by what I take to be the position of the Secretary and the Commissioner, that there is a desire on their part to try to reconcile these differences and come up with a proposal which we can all support.

I am very hopeful we can do that, and I certainly would like to, because I think it is essential. I don't see how we are going to pass a bill unless the traditional people who supported human rights programs stand together. And we have troubles enough, even with that. I am hopeful that somehow we can resolve these differences and come out of the committee with a bipartisan proposal, with the restoration of the traditional bipartisan human rights support, and with that, we might make it.

For nearly a year now, the Select Committee on Equal Educational Opportunity and this subcommittee have held extensive hearings on the issue of school desegregation and integration, and the parallel question of inequality of education.

We have heard from practically everybody—key philosophers in the field, principals and superintendents, parents and teachers, and students—from all over the country. We have heard from civil rights leaders, we have heard from the appropriate departments, the Attorney General of the United States, the former Secretary of HEW, Mr. Finch, and the former Commissioner of Education, Mr. Allen, and today their successors, Mr. Richardson and Mr. Marland.

We have tried to do the best we can in developing what we think are the most hopeful strategies for quality, integrated, equal education.

Now, of course, it is very, very difficult. There are no simple answers here, and it is shocking how little has been tried.

As I understand your testimony, your criticism is that we are trying to set out a philosophy—to set up model programs, to experiment with educational parks, to assure that a meaningful level of integration will be obtained, to encourage private desegregation suits, and the rest. It may well be that we have not defined each approach correctly, or earmarked the perfect amount of funds for each effort, but we have attempted to define what we are trying to do, and to list what our record, I think, clearly demonstrates to be the most hopeful strategies.

And my question is: What goals or standards does the administration bill set forth? What is its philosophy? What sorts of desegregation or integration or educational philosophies are to be found, to be encouraged in that proposal?

Secretary **Richardson**. Senator Mondale, if I might respond to that first, as a way of restating points that were covered by the Commissioner—and he may wish to supplement my comment on your question—I would say this: The basic difference between us, I think, is not with respect to our recognition of the potential contribution to the objective of desegregation, of breaking down racial isolation in school systems. It could be contributed to by any one of the specific approaches that your bill identifies and would fund.

Our problem with that approach, as set forth in the bill, is simply that it does not relate the creation of such models to what we believe to be an essential process. In other words, I think the basic difference between us is that we emphasize the stimulation of a school system to involve itself in thinking about how to develop and carry out a plan, to bring about desegregation. We want to encourage the leadership of a school system to work at this, recognizing that it is going to require time, and that it is a problem involving their whole system, as distinguished from the creation of models that can then, because of their excellence, have a kind of secondary repercussion throughout the system as examples of what can be done. And I think this is really the basic difference between the approaches.

To say that, however, I think also makes clear that it is possible in principle to combine these approaches, to emphasize, as we do, the encouragement of school systems to develop plans to desegregate, and to work at that over a period of time, while also encouraging and providing support for the kinds of model strategies and examples of balanced and integrated education, stable, integrated schools, that are provided for in your bill.

Senator **Mondale**. Well, my problem is that I am unable to understand the philosophy and direction of the administration's bill.

You refer to working toward desegregation. What does that mean? Do you have a definition of what you have in mind by "desegregation," or as the bill seems to imply, does that definition seem to rest on what the courts say "desegregation" means?

Do you, for example, have some minimum standards about the number of minority children that should be in an acceptably desegregated school? Do you have, as the President once suggested, some notions about the most beneficial combination of children on the basis of social and economic background?

Do you have in mind some strategies toward some defined objective, which you believe to be most promising? And if so, what are those standards, and what are those strategies?

Secretary RICHARDSON. I would say, Senator, that in the development of such strategies, we draw on the whole history of the experience to date in bringing about the desegregation of southern school systems, for example. The fact that the number of black children attending majority white schools has doubled in 2 years would suggest to us that lots of constructive work has been done in that interval in the construction, design, and execution of desegregation plans, which have brought about a degree of balance in school attendance by race in those schools that would, we think, meet criteria of integration by almost any definition.

Now, what we are seeking to do here is to translate that experience into other school systems that have not yet begun that process, to bring to bear in advising the school system in the development of its plans what has been done, what has worked, how you go at it. But it must be their plan, if it is going to be carried out.

Senator MONDALE. Let me try it again, if I might.

The Education Subcommittee made a choice, established an objective. If I may say so, I think its objective was the one declared by the President in his March 24th message, in which he said, "In order for the positive benefits of integration to be achieved, the school must have a majority of children from environments that encourage learning, recognizing again that the key factor is not race, but the kind of home the child comes from.

"The greater concentration of pupils whose homes encourage learning, of whatever race, the greater the achievement level, not only of those pupils, but also of others in the same school. Students learn from students.

"The reverse is also true. A greater concentration of pupils from homes that discourage learning, the lower the achievement levels of all."

This is what the President declared to be his directive. This is recognized as the Coleman strategy, and the Education Subcommittee felt that great emphasis ought to be given, and substantial portions of the funds ought to be earmarked, to achieve schools throughout this country which undertook what we determined to be the best strategy and the best recommended course.

Now, I don't see in the administration bill any philosophy of education. I don't see any definition of desegregation. And in the administration of $75 million I see a total lack of any consistency of what kind of school districts are to be funded or not funded, or in what direction it is thought we are going.

I am not being critical, but what we did in our bill was to say: "Let's try out those things that might briug us toward the best results. Let's put money into quality, integrated, stable schools, throughout the country, and with respect to all minorities. Let's try multidistrict cooperation, because there is no sense in talking about Northern cities other than in terms of metropolitan programs. Let's try quality educational television, with integrated performers. And let's try to even up the legal resources available, so that those who are asserting constitutional rights in school desegregation matters have some equality of resources with those who are resisting."

Now, most of the money today being spent publicly in school desegregation cases is public money which is being spent for lawyers and legal fees to resist the reach of the 14th amendment. So why would it not be fair to set aside a modest amount to pay lawyers who are successful in enforcing the Constitution for legal fees and costs?

We have provided for payment of attorneys' fees in the area of public accommodations, we have done it with equal employment. Why don't we experiment some in the area of school desegregation?

Well, this is what we thought we were trying to do. We tried to define where we think it should go. We tried to define the best strategies to get there, and we tried to get some money in there to improve and make fairer the access to the courts.

Secretary **RICHARDSON**. Senator, before asking the Commissioner to comment on this, I would like to call your attention to the provisions of the bill, beginning with section 5, the bottom of page 4, that set forth the criteria of eligibility, and the sections further on, criteria for approval of projects on page 13.

Again, I would emphasize, however, that we are not contending that the specific kinds of projects that you identify are not valid and useful projects. And indeed, they are the kinds of things which could be funded on a project basis under our legislation. As the Commissioner said earlier, it would be perfectly compatible with our legislation to spell this out specifically.

However, at the same time, we are seeking to support school systems in the development and execution of plans to bring about desegregation within the system, and this, we think, is an activity that should be encouraged and supported.

It may be that in the development and execution of such a plan there would be provision for the kinds of projects you identify, but there will also be other kinds of expenses and opportunities, that are the sort of things which both our bills set forth as eligible for support. Under our bill, they could be supported in any school regardless of whether it had an enrollment representing the balance called for in your bill, as long as it was moving toward a greater degree of desegregation or racial balance.

Commissioner, would you like to comment?

Commissioner **MARLAND**. I would amplify that, if I might, Senator Mondale, by adding that we do indeed have standards and do indeed have a philosophy underlying what the Secretary has described.

But I would add that to try to universalize a fixed standard for what might be a definition of a balanced school system has escaped us. Men of good will have been working at this now, as you know, for some years, and have so far come a cropper in saying that a given standard in Chicago shall also apply to Philadelphia or Washington, D.C.

We see this, regretfully in some ways because of the massive administrative task before us, as a city-by-city or community-by-community assessment. However, I see good things in such an approach, as well as complexities, because, indeed, the differences are very real.

Take University City, Mo., right now, swiftly rising to a majority black community. They have very real problems in how to confront what is an unstable racial situation, in a given community, as minority members leave St. Louis and go to University City. They have a unique problem. It will call for unique solutions.

The city of Chicago, with something in the neighborhood of 60 percent minority children, has a different problem from that of Boston, where the percentages now range in 32 to 35 percent minority children.

Now, I am giving you rough figures, but these figures show that there are wide differences in the degree of segregation now prevailing, calling for wide differences in formulating for the resolution.

Now, we would add, however, one important element that has not been cited in our testimony so far, and I think it should be counted, and that is, the role of leadership, which Senator Mondale has referred to.

Leadership at the local level needs its back stiffened by our kind of support and by the encouragement of Congress and by the specifics of dollars and programs emanating from the Office of Education.

We have had a good demonstration of this; we call it technical assistance. It has to do with leadership. It is not merely the process of persuasion. It is good people, from the Office of Education, from the Department of Health, Education, and Welfare, from our civil rights staff, moving into a community and sitting elbow to elbow with the people there, men of good will in boards of education, principalships, superintendencies. It is helping us share the wisdom that we are gathering from throughout the United States, especially in the light of last summer's exercise in the South, where our men and women, going in there, were warmly welcomed.

They were a resource that hadn't been there before to help local school officials see things in a different way, and to bring Federal leadership, according to Federal priorities, and the will of Congress, to the crossroads. They were welcomed, but each crossroad has its different problem. That is why so far fixed standards have escaped us, because the differences are very large.

Senator Mondale. Well, Mr. Chairman, I have already taken more than enough time. Permit me just to express my view that the only definition that I have heard this morning is the term "desegregation," which means a different thing to a different judge in every community.

It can mean a token, sterile kind of elimination of a dual school system, with no integration at all, or it can mean something like that which the court ordered in Charlotte-Mecklenburg, N.C., where they have, substantially, racial balance. One of the big problems which curses this whole issue is that no one has defined desegregation.

Hopefully, the Supreme Court will help us in the Charlotte case. But I think our duty in an education bill ought to go beyond that, that we should define what it is we think we are after, and what we think is most helpful, so that when we finish with this billion and a half, we will have learned something, and will have tried those things which experience and the best minds that we can find tell us might work.

Thank you.

Senator Pell. Thank you, Senator.

Senator Packwood.

Senator Packwood. Mr. Commissioner, one question.

In section 8 under the assurances section of the bill, subsection 12, the bill practices including the testing part. Will you explain to me what that means?

Commissioner Marland. I am going to again, in the matter of the detailed legislation, if you will permit it, Senator, turn to Mr. Saunders.

Senator Packwood. Fine.

Commissioner Marland. To open that, and I will try to amplify.

Mr. Saunders. Well, Senator, I think the key language in that section is in clauses A and B, which prohibit these practices, including testing, if they are employed in such a way as to result in isolation, or discrimination against minority group children.

Senator Packwood. What happens if you administer fair tests and they result in isolation?

Commissioner Marland. We have had experience with this in our southern activities this past summer. The real meaning here straightforwardly is to say that if you deal solely with test results in distributing children in different classes, it is possible that minority group children will be segregated from majority group children, in separate classes.

We hold that this is not suitable, and does not respond to the intent of this law, and that inventive and creative school leaders and teachers must find ways to rise above this.

This is done in the South now. It is being done on an uphill pull, but it is being done. It is quite true that any teacher who has developed over the years in his profession will say that teaching is more efficient when children are grouped according to ability, irrespective of any racial question. You could take an all-white community and find that there is grouping going on, as to the swift learners as against the moderately swift and those who are much less swift.

We hold that where this discriminates against minority group children this defeats the purposes of this law. We ask for more inventive solutions in classrooms, where, indeed, children will be assigned to classrooms on a nondiscriminatory basis. And that within that classroom, it may well be necessary to have a reading group that is working at this level, and a reading group at this level. There may indeed be some segregation within the classroom by the sheer nature of the teaching act, but we do not hold that there will be separate classes for the swift or the slow, if it results in separate classes for the white or the black.

Senator Packwood. Now, let me make sure I understand what you are saying. You can't segregate according to classes, or classrooms.

Commissioner Marland. Right.

Senator Packwood. But within a classroom, you may then segregate.

Commissioner Marland. Possibly. Not in terms of barriers, walls, what-not, but in terms of grouping children. There will be some very able minority children in the swiftest group, and there will be some white children in the slowest group. This would be natural and normal, and the way the good Lord made us. But nonetheless, there will grouping in classrooms, I expect, where good teaching, necessarily, to be efficient, is going to group children within classrooms for many activities in the classroom. However, the majority of activities today, the program in the social sciences, the program in physical education, the program in the arts, the programs in social studies and history and literature, will probably be nongrouped.

Reading generally calls for some grouping; arithmetic generally calls for some grouping.

Senator PACKWOOD. But under the administration bill, say in Chicago or Philadelphia or elsewhere, grouping as a result of testing will be outlawed, even though it is based on ability.

Commissioner MARLAND. We hold that should be the case.

Senator PELL. Thank you, Senator Packwood. And may I add a welcome to the committee. I am delighted you are with us.

Now, the senior Senator from West Virginia, who incidentally is the senior Senator on the full committee as well, Mr. Randolph.

Senator RANDOLPH. Thank you, Mr. Chairman.

As I understand it, Commissioner Marland, you hold here today to the Subcommittee on Education that the purposes to be achieved in S. 195, the so-called administration approach, are the concepts that are employed in, let us say, a Senate approach, through members of this subcommittee, in S. 683?

Commissioner MARLAND. We hold, sir, that the two positions have precisely the same high goals and philosophy, and that hopefully we can find ways to resolve differences and come up with a sum better than the parts. That there are elements of the Senate bill which we can applaud, and find ways to incorporate in this bill, or vice versa. But we do hold that the principal difference is that the administration bill would seek to declare broad community efforts toward desegregation, as distinct from single school sites.

Senator RANDOLPH. Mr. Chairman, I am privileged to serve under the able chairmanship of Senator Mondale on the Select Committee on Equal Education Opportunity, and we are going to continue in that study, for at least a period of another year.

Is that right, Chairman Mondale?

Senator MONDALE. That is what we hope. We are going to end at the end of this next year, but we do hope to get that additional year.

Senator RANDOLPH. Yes, and I think we will be able to do that.

I feel that it is appropriate here today, even though we are in a Subcommittee on Education of the Labor and Public Welfare Committee, to recognize, Mr. Secretary and Mr. Commissioner, the considerable contributions which the select committee brings to bear upon this subject.

I personally believe that there is a general incumbency on us, for the committee, members of the committee, to move into the field. We have not done that. Our hearings have been concentrated in Washington, and understandably so, with the situations in the 91st Congress, at least for the closing weeks.

I think we must go into the field, and I am gratified that the chairman feels that, and that we are going out into the urban areas, also the rural areas, also areas where some of these problems overlap, to a degree, in percentages, and come to a better understanding of the clarification of some of the matters that are at issue, at least in part, as we begin the consideration of these two measures today.

Commissioner Marland, I believe that you have stated in your formal presentation that a 35- to 38-percent minority group within a student body is an ideal or workable or a practical breakdown in percentage.

Now as I further understand, that was based upon your experience, particularly, in the Pittsburgh Pa., school system. Is that correct?

Commissioner MARLAND. Not necessarily, Senator Randolph. It would be, I think, a broad consensus among schoolmen in cities that the range is around that figure. One might find others making the figure somewhat higher, somewhat lower, but the figure is not exclusively that of my own experience in Pittsburgh.

It is substantially a consensus that I think we have come to look upon in this profession as a desirable figure to stabilize, in the words of the Senate's bill, to stabilize a school.

Senator RANDOLPH. And in your Federal responsibility, in more recent months, have you had reason to believe that that modification of percentage, which we will say you endorsed, or understood, or carried forward in the Pittsburgh situation, now that you have been here, these several months, you hold to that same feeling?

Commissioner MARLAND. I have been serving as Commissioner of Education, sir, for 7 weeks, but I have no reason to change that position. I would hold that the evidence we now have would tend to support the figure somewhere in that neighborhood, allowing it, obviously, to be a fluid figure. It is as Senator Mondale has wisely stated, somewhat rather substantially influenced by local leadership and local conditions.

The city of Berkeley, Calif., for example, under extraordinary leadership, has been able to establish and apparently maintain, at least for a year, a balance of somewhere in the vicinity of 50 percent. This is superb, if it can be carried off, without the whites fleeing.

Senator RANDOLPH. Mr. Chairman, a final comment: I do not want to endorse per se the provisions of either of these approaches. That is, the purpose, yes, but not the details of either bill. And I don't fully agree, and I know my distinguished subcommittee chairman will understand, I don't fully agree, if I understand what he said, that the administration approach is a negative approach. I believe you indicated that perhaps by other words.

Senator MONDALE. Would you yield?

Senator RANDOLPH. Yes; I do.

Senator MONDALE. What I said was I didn't think the objective of the administration, either from a legal or an educational standpoint, was defined.

Senator RANDOLPH. Well, yes, I accept that, indeed. And so, if there is a lack of definition and, let us say, generalization, which seems to be in part expressed by the witnesses today, I would only hope, therefore, that in a matter so important, so vital to our future that there be not an approach which is political or partisan in nature, that we all seek to bring legislation into being, and then that the administration has such an act to benefit all of our school population, at the primary and secondary levels. Is that your feeling?

Commissioner MARLAND. It is, indeed, sir.

Senator RANDOLPH. Thank you, Mr. Chairman.

Senator PELL. Senator Javits, the ranking minority member of the full committee.

Senator Javits. Thank you, Mr. Chairman.

Mr. Chairman, before I start, I would like to express my personal pleasure at having Senators Packwood and Taft, two new members of the minority both present, to join us in this critical matter.

I would like to address this question to both the Secretary and the Commissioner, if I may.

Do you see difference between proposals in the administration's bill and Senator Mondale's bill—which was the position of the subcommittee in the last Congress, and may very well be again—a basic ideological difference, or rather, a difference of apportionment of the amounts which are available?

Secretary Richardson. If I might comment, Senator Javits, I think it is a difference, really, in approach, to the same objective. It is a difference in relative emphasis on, in the case of the administration bill, the stimulation of a planning process, leading toward the desegregation of the school system, and in the case of Senator Mondale's bill, as we understand it, of emphasis rather on the development of examples of model strategies for, or demonstrations of, stable, balanced, or integrated education.

And if there is a way of reconciling these, it is to say that it is desirable to encourage and support a planning process leading toward the breakdown of racial isolation in a school system, and also to support on a project-grant basis specific demonstrations of the kinds of specific institutional arrangements, whether an educational park, or in an individual school, that combine opportunities for high-quality education and to provide that education in a stable, integrated setting.

Senator Javits. Commissioner.

Commissioner Marland. I would only add, sir, that the differences are those, again, in specifics as distinct from goals. The large generalized difference that I see would be—and it is reconcilable, in my judgment—that the select committee's bill speaks to demonstrations. Our proposal speaks to demonstrations, but moreover speaks to broad correction of this inequity. They are not incompatible.

Senator Javits. Well, now, isn't it a fact, however, that what you gentlemen contend is that 20 percent of the funds in the administration bill would, among other things, be used for precisely the stable, integrated school concept that the select committee or special committee's bill comprehends, and what Senator Mondale's bill does is allocate 40 to 45 percent for that purpose?

Now, on that basis, if that were true, there would be no basic ideological difference. It would be a matter of reconciling how much of the money you are going to use for his particular purpose.

Commissioner Marland. That is a fair statement, sir.

Senator Javits. And that is why you say it is reconcilable. That is why I say it is reconcilable, and I hope we reconcile it.

TRANSPORTATION

Senator Javits. Now there is one other thing that interests me greatly, and that is this question which we must face frankly, of transportation.

And would you be good enough, Commissioner—and of course the Secretary is the top boss, so he can interrupt anytime he wants to—to explain what you had in mind about two provisions.

One, the provision of the administration bill as passed by the House. That "authorized activity" reads, just to refresh your recollection:

> The provision of transportation services for students, except that, funds appropriated under the authority of this act shall not be used to establish or maintain the transportation of students to achieve racial balance, unless funds are voluntarily requested for that purpose by the local educational agency.

Or our provision, the one included in the version that I introduced, S. 195 is: "Administrative and auxiliary services to facilitate the success of the program or project."

Now, that is my language, and you can disown it, but you may be willing to give us some idea as to what you contemplate should be your policy on money for transportation.

Commissioner MARLAND. I will try to respond to that, Senator Javits.

As we stated earlier, we do not oppose portions of your own amendments to the Senate position, and the specific one which you cite, I am quite sure, could be accommodated. When we speak of transportation, and the degree to which this present bill offers it, as one of the alternatives to which a local community can turn in resolving its problems, we particularly note that this should not be Federal coercion, in the sense of a mandate that the Federal Government is telling the schools what they shall do specifically on this subject.

It does, however, recognize the proposition that schools, at this time, spend a substantial amount of money for busing children. If indeed, within the concept of this act, busing children helps to achieve the goals and the intent of Congress, we would see it as a feasible part of the program, provided it was a program of busing or otherwise transporting children to accommodate the objectives of desegregation.

It is normal, it is natural, and it costs money.

Senator JAVITS. Now do you define that, what you have just described, to be voluntary or involuntary busing?

Commissioner MARLAND. Voluntary.

Senator JAVITS. In other words, this red herring issue of involuntary busing is simply impractical, impossible. Under this bill we are not going to make a child take a bus, isn't that true?

Commissioner MARLAND. It is true that we have no intent—or authority—to require a community put in a busing program unless they believe in it.

Senator JAVITS. And we have learned that, since this began, haven't we?

Commissioner MARLAND. Correct.

Senator JAVITS. So would you say that that is really no longer an issue?

Commissioner MARLAND. I do not think it is an issue; I think that it is a normal and natural process of running schools, an additional administrative resource.

Senator JAVITS. Good. I think that helps me enormously, because it seems to me that that busing issue has improperly and falsely bedeviled this whole situation.

It is a fact, is it not, that one-third of America's school children are bused today? Isn't that true?

Commissioner MARLAND. That is approximately the figure, sir.

Senator JAVITS. About 18 million, out of roughly 55 million.

LACK OF REGIONAL BIAS IN ADMINISTRATION BILL

Now, the other thing I would like to ask you is this: There is some feeling that this bill, the administration's bill, has a built-in Southern bias. Now I would like to ask you this directly: Does the administration bill, in making the distinction in its eligibility section, between districts desegregating voluntarily and those doing so because of legal requirement, does this distinction amount to a preference for Southern districts, and if not, why not?

Commissioner MARLAND. I am going to defer, if I may, Senator Javits, that question to the person more closely identified with the phrasing of the law, but my quick answer is that I see no distinction, or discrimination as between Southern States and communities and others. But I think that Mr. Saunders can speak more directly to that question.

Mr. SAUNDERS. Well, the short answer is, "No," Senator, and there is a specific provision in S. 195 which states that preference will not be given to the de jure schools as opposed to the de facto ones.

Senator JAVITS. Now, key us to that provision.

Mr. SAUNDERS. That is in section 7. It is on page 15 of the bill, line 8:

> The Secretary shall not give less favorable consideration to the application of a local educational agency which has voluntarily adopted a plan qualified for assistance under this Act than to the application of a local educational agency which has been legally required to adopt such a plan.

Senator JAVITS. Now the Mondale select committee, which I joined in helping create was born out of the complaint that we were zeroing in on Southern schools, in the Civil Rights Act of 1964, and so forth, and that Northern schools were segregating, whether because of residential patterns or otherwise, and going scot free. And therefore, we had the special committee, and therefore, we had this billion and a half, to accelerate the process.

Now, can you tell us why you believe that the administration bill, if you do, is more responsive to the particular public debate which brought us about, as it were, than the approach which is taken by Senator Mondale's bill?

Commissioner MARLAND. If I understand the question correctly, Senator Javits, I would answer it this way: That the urgency of removing de jure segregation in the South caused us to act first and as the Secretary said, with considerable dispatch, in moving to correct conditions in Southern States.

The conditions, as we all know, are equally bad in Northern States, regardless of their reason, de facto, or whatsoever, including housing, economic conditions, unemployment.

These things must be resolved. We must start somewhere. We now say that those things that were wrong in the South are still equally wrong in the North, and we must set about solving them.

I see no difference in our approach, other than to the differences among communities. The broad goals remain the same. Identical.

Senator JAVITS. Now we are great believers, on this committee, in local action. I will be through in just a minute, Mr. Chairman.

BIRACIAL ADVISORY COMMITTEES

Would you object to our writing into the legislation a requirement for biracial advisory committees, in recipient school districts?

Commissioner MARLAND. My own position at this moment, without benefit of counsel or having heard others on the subject, would be to say that we have already done almost precisely that. Dr. Bell, who was serving as Acting Commissioner of Education in late October issued an advisory statement to chief State school officers on policy on parental involvement in the administration of title I of the Elementary and Secondary Education Act. Regulations are being developed to require parental advisory committees, consisting of majority representation from the poor, involving them in the administration and evaluation of title I programs. It would be only another step in the same direction to have a similar instrument in the management of this program.

Senator JAVITS. So, personally, I realize you are not expressing, necessarily, the administration position, you would see no objection to making it statutory.

Secretary RICHARDSON. Well, let me add, Senator, that the regulations, published for the purpose of guiding the administration of the Emergency School Assistance Fund, $75 million appropriated last year, also contained such provision. And in the process of monitoring and reviewing the administration of these funds, where we find that a district has not yet in fact established such condition, we consider the district to be out of compliance, and take appropriate action.

INCLUSION OF NONPUBLIC SCHOOLS

Senator JAVITS. Thank you, Mr. Secretary.

And my last question is this: Would you be kind enough to turn to page 21, section 10(C) of the administration's bill?

Mr. Secretary, what is the reason for including funds for private nonprofit schools in this bill?

Or the Commissioner can answer that.

Commissioner MARLAND. May we first turn to Mr. Saunders, who is closer to the item, and let us expand on it after he identifies it, please?

Senator JAVITS. Well, gentlemen, bear in mind that we want Senator Taft to ask a few questions.

Mr. SAUNDERS. Mr. Senator, I would just like to say that funds are not provided private schools under 10(C), what is provided are programs for nonpublic school students who are not served under programs run by the local educational agencies.

Senator JAVITS. All right. What is the justification for that? It does take in private school children who can benefit from these programs.

Mr. SAUNDERS. That is the justification.

Senator JAVITS. Now what is the justification?

Commissioner MARLAND. The genesis is that many majority group children may attend nonpublic schools. Any inventive arrangement that brings together the races, no matter which schools they attend, would be encouraged by the local plan.

Senator JAVITS. Doesn't that give us the danger, though, of the abuse by those so-called contrived private schools which have simply looted the segregated schools in order to continue segregation?

Commissioner MARLAND. We believe this bill strongly safeguards against that, Senator Javits.

Senator JAVITS. Yes. Thank you.

Thank you, Mr. Chairman.

Senator PELL. Thank you very much.

I know that the Secretary must be his way shortly. I understand that the Commissioner will stay behind, however.

Secretary RICHARDSON. We both must leave.

Commissioner MARLAND. We both have to go, Senator Pell, Deputy Commissioner will take our chairs, if you wish.

Senator PELL. Well, then, I think we can wrap it up, in just one more moment.

I would like to welcome to the committee the junior Senator from Ohio, whose father was chairman of this committee and who bears a very distiguished name, indeed, Senator Taft.

Senator TAFT. Thank you very much, Senator Pell.

It is a very great pleasure to serve on the committee. I am honored to be a member of it.

Mr. Commissioner, I notice in the summary material we have on the bill that the proposed expenditures for the evaluation are only 1 percent of your prescribed budget. I remember specifically that in the President's message last year on education, he indicated that perhaps 5 percent or even as much as 10 percent of the Federal effort in education might well go into better evaluation of what we were getting for the money that we are putting out in the educational field at the Federal level, and, also, what is being spent at the State and local levels as well.

Is the 1-percent figure going to be an adequate figure, and is it a flexible figure which you could increase under the legislation as proposed?

Commissioner MARLAND. I believe that the 20-percent setaside does give us some freedom to administer demonstration programs of nationwide significance. I imagine that the figures you have used of 5 to 10 percent might include in their original context research and development of all kinds, including evaluation. We would agree this is a desirable goal, but we are far short of it now. We are now operating officewide in the Office of Education, at the level of about one-half of 1 percent, in research and development moneys.

However, I would say that we can give reasonable assurance of evaluation or assessment of programs conducted under this act. The word "evaluation" is a very tricky word, and I would rather use the word "assessment."

FUNDING

Senator TAFT. Mr. Secretary, I noticed you used, I think, a $1.425 billion figure in your statement. How does that $1.425 billion in the President's budget tie in with the half a billion for fiscal 1972 and the $1 billion for fiscal 1973 in the bill?

Where are the other moneys?

Secretary RICHARDSON. This, Senator Taft, arose out of the understanding when we sought supplemental appropriation of $75 million. It was originally to have been $150 million, and then as time wore on, we concluded we couldn't use effectively more than $75 million for the fiscal year beginning in the fall of the school year beginning in the fall of 1970. So the $75 million appropriated for that purpose has been considered to come from the initially proposed total of a billion and a half, leaving $1,425 billion, which is the figure used in my testimony.

Senator TAFT. Well, but the authorization in the bill, as I understand it, was $1 billion was for fiscal 1972, and only $500 million was for fiscal 1971, whereas the budget figure, the 1972 figure allocates $1.425 billion in fiscal 1972. That is what my problem is.

Secretary RICHARDSON. Well, I had understood that the initial $425 million would, if the legislation were enacted soon enough, be a supplemental request for the balance of fiscal 1971, with a billion in fiscal 1972.

Commissioner MARLAND. Expendable through 1973.

Secretary RICHARDSON. All of it could be spent by or obligated by the end of fiscal 1972.

Senator MONDALE. Would the Senator yield there?

Senator TAFT. I would be glad to yield to the Senator.

Senator MONDALE. I noticed in the special analysis section of the budget that the estimate for outlays in 1971 are only $100 million, and $300 million for 1972. Would that indicate that most of the billion and a half would be spent in 1973 and after?

Secretary RICHARDSON. It would be mostly spent in 1972. I don't know how much of it in 1973. It depends a lot on what the plans coming in look like. But the relatively low expenditure rate for the balance of 1971, as distinguished from obligation in 1971, recognizes that even if we got the legislation enacted and signed in the next week, we would like to have a little more leadtime this time to review applications and plans for the use of the money. That would mean, therefore, that the appropriations, the actual expenditures, as distinguished from the obligation of the money, the cash that went out in the rest of 1971, wouldn't be a whole lot of the total.

Senator PELL. I must interrupt at this point, because I assured the Secretary he could be out, at the latest, by 20 of 12. It is now 20 of 12. Senator Kennedy is with us, and I am not sure that the Senator is finished.

Senator TAFT. I have completed by question.

Commissioner MARLAND. I have a small point to add [illegible] response to Senator Taft's earlier questions.

Senator PELL. Can you stay another 5 minutes, or do you feel you must go?

Commissioner MARLAND. One minute, for Mr. Saunders to respond to Senator Taft.

Mr. SAUNDERS. I would like to clarify the question of evaluation. The 1 percent would be for Federal evaluation. The bill also requires that each applicant local agency include provision for effective evaluation of its own program, so you have a two-pronged kind of evaluation, not just the 1 percent.

Senator TAFT. Thank you.

Senator PELL. Thank you.

The Secretary has been kind enough to say he will stay another 5 minutes. Thank you very much.

The Senator from Massachusetts.

Senator Kennedy. Mr. Chairman, I regret, Mr. Secretary, having just arrived. I had some questions, and I understand a lot of them have been asked and reviewed, and so I would like to have an opportunity to address questions to you, maybe in written form, and perhaps then yield to Senator Mondale.

Senator Pell. With unanimous consent, the record will remain open, and questions may be sent to you in writing by all members, for an indefinite period of time.

Senator Javits. Let's make it definite.

Senator Pell. All right. What do you want? Ten days?

Ten days.

Senator Mondale.

Senator Mondale. The other area of questions I had was in the area of the administration of the $75 million. You are quite familiar, I am sure, with the report of the civil rights groups which evaluated the expenditure of the first $75 million. They found that at least in their view 179 of 295 assisted school districts which they visited were engaged in civil rights violations that rendered them clearly ineligible for grants.

In 80 other districts, they found sufficient evidence to question eligibility, and in only 29 of the 295 districts did they find no evidence of illegal civil rights practices.

Specifically, they found 94 districts with segregated classrooms or facilities, 47 districts with segregated or discriminatory busing, 62 districts without desegregated faculty or staff, 98 districts that had dismissed or demoted black teachers, 12 districts in violation of HEW or court-ordered student plans, and 13 districts that have assisted segregation academies.

I am sure, Mr. Secretary, you are aware of the fact that in our hearings and on the Senate floor, we were aware of most of these possibilities, and tried to either deal with them through specific legislation or through legislative history. Yet, this report discloses that this first experiment with the administration's desegregation proposals, if the report is to be believed, resulted in wholesale funding of schools which were ineligible under the law.

Secretary Richardson. Well, I think there are several comments to be made on that, in broad terms, Senator. If I might, I would like to ask Mr. Pottinger to respond with greater specificity.

In the first place, I think the word "ineligible" is used a little loosely in that summary you gave. There is a clear distinction to be made between a school district that is ineligible because it at some prior date, for example, transferred property without sufficient consideration to a white academy, for example, and a school district which, as of a given time, is still engaging in some practice that is out of compliance with the regulations, such as, for example, a segregated classroom, or which has, without justification, demoted or discharged teachers.

The later kind of things are correctible, and do not involve matters of eligibility for assistance so much as failures to fulfill the requirements of the law.

Now, we have systematically been reviewing all of the complaints on all the evidence of any violation that has been brought to our attention, including those assembled by the Washington research project, and have been following them up, one by one, and taking whatever action was required, including, as my testimony pointed out, in some cases, sending letters to the school system where they were in fact ineligible, informing them that the grant had been voided, and that we would recover the money. We will, as I assured the chairman earlier, submit to the committee a full report on all of these situations by the end of the week.

Senator MONDALE. Well, as you know, we questioned rather fully the previous Secretary on this issue, and I think we may have asked you, I don't now recall. There was a debate over this very issue, and the Javits amendment prohibited any funds from going to any public school which in turn was giving property to private segregation academies.

Secretary RICHARDSON. Right.

Senator MONDALE. Now, the report concludes that some 13 schools are in fact doing it. Let's just take one example.

For example, Jackson, Miss., was the first awardee under this program, and I think the largest, $1.3 million.

At or about the time that this application was being considered, it delivered public textbooks to private segregation academies.

Both the Washington group and myself, and the New York Times reported on this. Thereafter, the books were returned to the State public depository, and then redelivered to the segregation academies. And $1.3 million, I think, was given, and has not been withdrawn from the Jackson, Miss., schools, nevertheless.

Am I right on this? What is the situation?

Secretary RICHARDSON. Well, I think it is a good example of the kinds of ways in which the actual facts tend to become overstated. In this instance, the school books in issue were not the property of the Jackson school system at all. And so technically——

Senator MONDALE. Who owned them?

Secretary RICHARDSON. The State.

Senator MONDALE. You think there is a distinction in the law based on that?

Secretary RICHARDSON. There is a distinction in the law, insofar as sanctions against the school system under the law are concerned. In any event, the books were recovered.

Senator JAVITS. Mr. Secretary, would you yield?

Secretary RICHARDSON. I have got to go.

Senator JAVITS. Senator Mondale, I think your line of questioning is very well taken. I think the Secretary should not be under time pressure, neither should you, and I would most respectfully suggest to the chairman that he make his report, and be asked to return.

Senator MONDALE. That would be fine.

Senator JAVITS. So that you may have a very full opportunity to go into this. I think it is entirely proper.

Senator MONDALE. That is fine. If the chairman would agree with that.

Senator PELL. We have scheduled another hearing on February 25, perhaps we can resume at that time, if that is agreeable with the Secretary, and Senator Mondale, and we will have the report in hand by then.

Senator MONDALE. Could I ask that perhaps the report respond to the report released by the Southern Regional Council over the week-end, of a massive increase of private segregation academies, and the use of the IRS tax-exempt status as one of the elements of the report, because I would like to go into that, too.

These two things go together, funding schools that are giving public property away, and then giving tax exemptions.

Senator PELL. Submit that, if you would, in writing.

Secretary RICHARDSON. I think we would have to have a little more time to do that, Senator. That would affect the submission by the end of the week that I earlier undertook.

Senator PELL. You could submit the portion you were going to by the end of the week, and then the response to Senator Mondale's question prior to coming back on the 25th, if that is agreeable with you.

If you want to postpone it to a further date, the Chair will accommodate you.

Secretary RICHARDSON. All right. We will be in touch with you, Mr. Chairman.

Senator PELL. You would like to leave it open. Let's in principle say you will come back on the 25th, and if it is inconvenient, we can postpone it at your convenience.

(Information subsequently supplied for the record follows:)

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United States Senate
SELECT COMMITTEE ON EQUAL EDUCATIONAL OPPORTUNITY
(CREATED PURSUANT TO S. RES. 359, 91ST CONGRESS)
WASHINGTON, D.C. 20510

March 11, 1971

Commissioner Sidney P. Marland
Office of Education
Department of Health, Education
and Welfare
Washington, D. C. 20202

Dear Mr. Commissioner:

Your testimony before the Education Subcommittee February 10th devoted substantial emphasis to a comparison of S. 683, "The Quality Integrated Education Act of 1971," a bill, developed and approved by the Senate Education Subcommittee last session, which I introduced with Senator Brooke and 17 cosponsors, and S. 195, "The Emergency School Assistance Act," the Administration bill as introduced by Senators Javits and Griffin.

Your comparison, in my judgment, is misleading, and reflects serious misunderstanding of some important provisions in both bills.

1. You stated: "The Administration bill focuses on planning for desegregation which has system-wide impact and involves large numbers of students. In contrast, S. 683 limits its attention to the establishment of one or more stable quality integrated schools without regard to their relationship to other schools of the local educational agency in which they are located."

I cannot find a "focus" on "planning for desegregation which has a system-wide impact and involves large numbers of students" in the Administration bill.

Section 5 of the Administration bill provides for financial assistance to two broad categories of school districts--districts which voluntarily "reduce racial isolation" and districts which are desegregating under legal requirement.

Districts voluntarily "reducing racial isolation" would be funded for programs: (a) "to eliminate or reduce minority group isolation in one or more schools in school districts", (b) "to reduce the total number of minority group children who are in minority group isolated schools", or (c) "to prevent minority group isolation that is reasonably likely to occur . . . in any school . . ."

Nothing in these provisions of S. 195 requires either "district-wide planning" or "large numbers of students." On the contrary, they would fund school districts to "reduce racial isolation" in one or more schools just as provisions in S. 683 would fund school districts to establish one or more "stable quality integrated schools." Thus, the two bills are identical in this respect.

Similarly, with respect to the second category--school districts desegregating under legal requirement--nothing in the provisions of S. 195 requires any new "district-wide planning" or "large numbers of students." The extent of district-wide planning and the number of students involved would depend upon court orders and Title VI agreements reached independently of applications for assistance under the bill. Most districts which would receive assistance under this category are now operating under court orders and Title VI agreements which are already matters of record. Planning for desegregation, if any, has already taken place, and the number of children affected has already been determined--and neither S. 195 nor S. 683 would require new district-wide planning in these cases.

Both bills contain additional provisions which bear on this point. Section 7 of the Administration bill establishes 6 criteria to be used in judging applications. These 6 criteria are all apparently to be given equal weight. Only two of them establish even a limited priority on applications which affect the largest numbers of minority group children. I would appreciate your opinion of the weight these two criteria would be given in relation to the four other criteria, which will in many cases contradict them.

S. 683, on the other hand, establishes very clear priorities. Section 9(c)(2) assigns priority to applications which place the greatest numbers and proportions of minority group students in stable quality integrated schools, and which offer the greatest promise of providing quality education for all participating children. Unlike the Administration bill, S. 683 contains no additional or competing priorities. It simply contains a clear statement of intention to fund first those districts which accomplish the greatest degree of integration in the context of programs of educational excellence.

I would suggest that the real difference between the Administration bill and S. 683 is not the presence or absence of district-wide planning, or the number of children who might be served. The real difference is that while S. 683 contains a careful, educationally based, definition of the stable quality integrated school, the Administration bill contains no definition of "desegregation" or "reducing racial isolation." Thus, the Administration bill would permit funding of token efforts in which a handful of minority students are scattered in one or more virtually all white schools, or efforts that "integrate" poor children without regard to the educational benefits of socioeconomic diversity. We would learn little about meaningful integration from $1.5 billion invested in this manner.

In addtion, the Administration approach presents the danger that minority group students will participate on a less than equitable basis in programs funded under the Act. In a 40% minority school district, for example, under its "reducing racial isolation" formula, the Administration bill would permit funding an expensive program in schools containing only 10% minority group students so long as the minority students formerly attended isolated schools. These schools could receive funds for special curricula, teacher aides, and other activities. And yet, minority group students would receive a share of these new programs much smaller that is warranted by their presence in the population of the district as a whole. Thus, funding under the Administration approach might lead to discrimination against minority group students in the allocation of funds.

Under S. 683, school districts will receive assistance to establish schools which attain a meaningful level of racial and socioeconomic integration from which we can learn, with programs in which minority and non-minority children participate on an equitable basis, and which can serve as models for the remainder of the district.

2. You stated that "most school districts in the country are not eligible for assistance under S. 683." S. 683 presently limits eligibility to local educational agencies which enroll at least 1,000 minority group children representing at least 20% of total enrollment or at least 3,000 such children representing at least 10% of total enrollment. Slightly more than 1,000 school districts which enroll over 85% of the minority group children in the country, will qualify under this standard. I firmly believe that some standard is required to concentrate funds in areas of greatest need, and assure that funds are not spread so thinly that the educational impact of the program is diluted. It may well be, however, that the particular standard that was developed in the Education Subcommittee last session, and appears in S. 683, is not the best one. I would welcome your suggestions for improving it.

3. You testified that "in districts with substantial but not majority-minority group population, the (quality stable integrated school) standard could encourage remedial action almost exclusively in those schools where racial balancing is easiest, leaving schools with high minority concentration untouched." In fact, the Administration bill itself specifically provides for funding the status quo or the "easiest" under the rubric "preventing racial isolation reasonably likely to occur" in any school with between 10% and 90% minority enrollment.

Although both bills might fund programs in schools in which integration has already taken place, S. 683 requires that those schools attain a meaningful level of integration, and contains provisions designed to give priority to those districts which place the greatest absolute numbers and the greatest proportions of minority group students in quality integrated schools.

4. You testified that under S. 683 school districts such as Washington, D. C. (90% minority) would be required to establish heavily minority schools in order to qualify for funding, perhaps by causing a school presently 30% minority to "resegregate". This allegation is based upon complete misconception of the purpose and provisions of the bill. The bill specifically instructs the Commissioner to fund schools which he finds will be stable and which contain substantial proportions of children from educationally advantaged backgrounds. In a district like Washington, D. C. (90% minority) S. 683 does not seek to establish 80-100% minority "integrated" schools. For school districts with such heavy minority group concentration, within-district integration is not a practical approach to the education of most students. For such districts, S. 683 contains earmarkings for education parks, interdistrict cooperation, and special pilot programs to improve the academic achievement of children in minority group isolated schools. I believe that such initiatives, unlike within-district integration efforts, can be of substantial help to districts like Washington, D. C. in solving their overall educational problems.

5. Your testimony regarding the set-aside contained in S. 683 for educational television reflects basic misunderstanding of that provision. Section 19 is not intended, as your testimony indicates, to fund television programs developed by local community stations to support specific desegregation plans. (S. 683 would permit funding of such programming under Section 7(b)). Section 10 is intended to support the development of not more than 10 television series on the Sesame Street model. These programs would use modern techniques of television programming--such for example, as animation and cartoon techniques--in an integrated setting, with the twin objectives of instilling academic skills and promoting better inter-racial understanding. It is our hope that projects funded under S. 683 would contain greater emphasis on all minority group children and would also, perhaps, include some programs designed for children older than those presently reached by Sesame Street.

6. Similarly, your criticism of Section 8 of S. 683, relating to education parks, reflects a basic misunderstanding of the purpose of that provision. Section 8 is intended to fund the construction of several model education parks. The section does not, as your testimony implies, attempt to provide a complete solution to the educational problems of any individual urban area through construction of a sufficient number of education parks. Although the concept of the education park has been proposed as one approach to the problems of urban education for a good many years, the cost involved has discouraged practical testing. The purpose of Section 8 is to insure that several education parks are established and evaluated.

7. Finally, I find your criticism of the provision for attorneys' fees under Section 11 of S. 683 most ironic. Your primary objection seems to be that the provision will "throw the burden of enforcement upon federal courts." I would respectfully suggest that the Administration has already taken this step through its decision not to invoke the Title VI fund termination procedure.

As you indicate, Section 11 in its present form is limited to payment of attorneys' fees, and costs not otherwise reimbursed, incurred in federal courts. It is true, as you point out, that lawsuits brought in state court would not ordinarily be included. This limitation presents no great difficulty because enforcement of the constitutional and statutory guarantees to which the provision refers present "federal questions," which in normal circumstances are litigated in federal, rather than state, courts. In several instances school integration suits pursuant to state law have been brought in state courts--perhaps the most prominent example is the Los Angeles case. To avoid the administrative difficulties to which you refer later in your statement, suits pursuant to state, rather than federal, law have not been included in Section 11. I have no objection in principle to the inclusion of such suits, however, and would welcome your suggestions for modification of the section to accomplish this result.

I cannot agree that within the context of the federal court system Section 11 would present administrative difficulties. Federal courts now assess attorneys' fees and costs in a variety of cases. Those most in point involve lawsuits under Title II of the Civil Rights Act of 1964 and VII of the Civil Rights Act of 1968 (pertaining to public accommodations and fair housing). Under Section 11 of this bill as under Title II and VII, the district court judge would assess the amount of the reasonable fee and of the costs incurred on the basis of affidavits and testimony presented by the litigants. The district court judge would enter an award which the Administrative Office of the United States Courts would pay in much the same manner that a bank honors a bank draft. The role of the Administrative Office of the United States Courts would be purely ministerial.

Far from requiring a new administrative structure, Section 11 simply takes advantage of the long standing procedure for awarding attorneys' fees. The chief difference is that the award will be paid from a federal reserve rather than by the losing party. This was thought desirable because the source of an award against the school district would otherwise be its education budget for succeeding years. I would point out that fees for the defense of such lawsuits are in fact paid from school district revenues.

Finally, you suggest several other programs on which the funds reserved for Section 11 might profitably be spent--such as, the expansion of OEO legal services, the addition of enforcement personnel to existing federal enforcement staffs, or the enforcement of civil rights laws with respect to housing.

But I also believe that fair and impartial enforcement of the provisions of statutes related to equal educational opportunity is essential to the success of any program which resembles those proposed in S. 683 or S. 195 and that the private bar is the most efficient, economical and independent mechanism available for this purpose.

* * * * * * *

I firmly believe that if we expect innovative, educationally responsive programs in integrated education to be conducted under the $1.5 billion authorization under discussion, we must establish goals and objectives. Under the vague outlines of the present Administration bill, however, it is difficult to achieve an understanding of the sort of program that the Administration wishes to conduct.

As I stated during the hearing and earlier in this letter, S. 683, developed by the Education Subcommittee, embodies a carefully defined program with established educational objectives. The Administration bill does not. Testimony on behalf of the Administration has not clarified its objectives. Our experience with the initial $75 million appropriation demonstrates beyond question that the time to determine the content of the $1.5 billion program is before, not after, its enactment.

I respectfully request that you provide us with a clearer and more carefully defined explanation of the purposes of the Administration bill, the kinds of programs it will fund, and the proportion of funds that will be spent under the different categories of eligibility.

Sincerely,

WALTER F. MONDALE
CHAIRMAN

Senator **Pell**. On this note, the Subcommittee on Education will recess, until February 25th when either the Secretary or some other witnesses will be here.

Thank you.

(Whereupon, at 11:48 a.m., the subcommittee recessed, to reconvene on Thursday, February 25, 1971.)

EMERGENCY SCHOOL AID, 1971

THURSDAY, FEBRUARY 25, 1971

U.S. SENATE,
SUBCOMMITTEE ON EDUCATION,
COMMITTEE ON LABOR AND PUBLIC WELFARE,
Washington, D.C.

The subcommittee met at 10 a.m., pursuant to recess, in room 4232, New Senate Office Building, Senator Claiborne Pell (chairman of the subcommittee) presiding.

Present: Senators Pell, Mondale, and Javits.

Staff members present: Stephen J. Wexler, subcommittee counsel; and Roy H. Millenson, minority professional staff member.

Senator PELL. The Subcommittee on Education will come to order. The first witnesses today are Mrs. Ruby Martin and Mrs. Marian Edelman.

If they would be kind enough to come forward, please.

Today we are going to continue our hearings on S. 683 and S. 195, both of which seek to deal with the problems of school integration and desegregation.

Our first witnesses today represent the Washington Research Project which sponsored an in-depth study of the allocation of funds to meet desegregation problems which were appropriated to the administration last year.

The report I mentioned was most incisive and pointed out specific cases in which the funds were either transferred to ineligible recipients or were used for programs not acceptable.

I would order at this point that the summary of the report be printed in the record.

Upon receipt of this report, I requested a point-by-point rebuttal from the administration. Last week I received the administration's reply, certain parts of which are ordered inserted in the record at this point.

(The information referred to follows:)

[From the Emergency School Assistance Program: An Evaluation*]

INTRODUCTION AND SUMMARY

The promise of the Emergency School Assistance Program has been broken.

Funds that were appropriated by the Congress last August to help desegregate public schools have been used for general school aid purposes unrelated to desegregation. In many instances, funds have been granted to school districts that are continuing to discriminate against black children.

This report, prepared by a group of private organizations concerned with the problems of race, education and poverty, is an evaluation of the first months of the administration of the Emergency School Assistance Program (ESAP)*. The report is based upon personal visits to nearly

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*The organizations involved in the preparation of this report are: American Friends Service Committee, Delta Ministry of the National Council of Churches, Lawyers' Committee for Civil Rights Under Law, Lawyers Constitutional Defense Committee, NAACP Legal Defense and Educational Fund, Inc., and Washington Research Project.

300 school districts receiving ESAP grants by attorneys and by other persons experienced in school desegregation problems, and upon a review of the grant proposals of over 350 successful applicant districts.

We found serious defects in the administration of the program.

1. Large numbers of grants have gone to districts engaging in serious and widespread racial discrimination. Of the 295 ESAP-assisted districts which we visited, 179 were engaged in practices that rendered them ineligible for grants under the statute and the Regulations. In 87 others, we found sufficient evidence to consider the districts' eligibility questionable. In only 29 -- less than 10 percent -- did we find no evidence of illegal practices. Specifically, we found:

-- 94 clear and 18 questionable cases of segregation of classrooms or facilities within schools;

-- 47 clear and 10 questionable cases of segregation or discrimination in transportation;

- -- 62 clear and 4 questionable cases in which faculties and staff had not been desegregated in accordance with applicable requirements;
- -- 98 clear and 123 questionable cases of discrimination in dismissal or demotion of black teachers or principals;
- -- 12 clear and 4 questionable violations of student assignment plans approved by HEW or ordered by the courts;
- -- 13 clear and 39 questionable cases of assistance by the grantee school district to private segregated schools.

2. ESAP funds have been used to support projects which are racist in their conception, and projects which will resegregate black students within integrated schools.

3. A substantial portion of the "emergency" desegregation funds have not been used to deal with desegregation emergencies; they have been spent for purposes which can only be characterized as general aid to education. Many of the grants are going to meet ordinary costs of running any school system, such as hiring more teachers and teacher aides,

buying new textbooks and equipment, and repairing buildings -- needs that desegregating districts have in common with school systems throughout the United States.

4. Grants were made to school districts that are not operating under terminal desegregation plans and therefore do not meet the initial condition of eligibility for ESAP funds.

5. In the haste to get some money to as many southern school districts as possible, ESAP money has been dissipated in grants which in many cases are too small to deal comprehensively and effectively with the problems of desegregation.

6. In contrast to the hasty and haphazard way in which grants for school districts have been approved, the significant provision of the ESAP Regulations authorizing community groups to receive grants under the program to lend their assistance to the desegregation process has been virtually ignored -- not a single grant has been made to a community group.

7. In many districts, biracial advisory committees have not been constituted in accordance with the requirements of the Regulations.

8. The funding priorities used by ESAP administrators have been distorted. Only a very small portion of ESAP funds have gone to projects that emphasize student and community programs designed to improve race relations in desegregating districts.

ESAP grants are being distributed to school districts on a quarterly basis. In most cases, only the first of four federal payments has been made. Thus, before any additional money is spent, HEW still has an opportunity to correct in part the mistakes that have been made -- at least to require civil rights compliance by recipient districts -- and to redirect the program toward the ends which Congress intended. We are issuing this report now in the hope that responsible federal officials will take appropriate steps and end the abuses we have found in the program.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE REPORT REBUTTING THE EMERGENCY SCHOOL ASSISTANCE PROGRAM

INTRODUCTION AND SUMMARY

In December 1970, Senator Claiborne Pell, Chairman of the Education Subcommittee of the Senate Committee on Labor and Public Welfare, requested DHEW to furnish the Subcommittee with a report on the administration of the Emergency School Assistance Program (ESAP), including an analysis of a report issued on November 24, 1970, by six civil rights organizations, under the aegis of the Washington Research Project (WRP), entitled "Emergency School Assistance Program: An Evaluation."[1]

As a matter of policy, DHEW is committed to a continuing review of all projects funded under ESAP, with particular attention to problems of compliance or program administration. This summary and the attached documents constitute the Department's report to the Subcommittee.

The DHEW report is divided into two principal parts. The first part describes the program or project funding function conducted by the Office of Education (OE), which was responsible for over-all administration of ESAP. This part sets forth procedures followed by OE personnel in processing grant applications, describes OE's post-grant evaluation procedures, and summarizes OE findings in those districts criticized in Chapter II of the WRP Report from a program and project standpoint.

The second part of the DHEW report describes the eligibility and compliance clearance procedures of the Office for Civil Rights (OCR). At the request of the Commissioner of Education, OCR, aided by the Office of General Counsel, examined the qualifications of applicant districts from the standpoint of (1) eligibility (e.g. was a district implementing the terminal phase of a desegregation plan?) and (2) the likelihood of the district's compliance after funding with certain civil rights-related assurances. This part explains the pre-grant and post-grant actions taken by OCR and summarizes enforcement activity in those districts alleged in the WRP Report to have had civil rights-related violations at the time the WRP monitors visited them. A legal explanation of each of the relevant "assurances" which an applicant district was required to sign also is provided since it appears that in some cases allegations of non-compliance in the WRP Report may be based upon a faulty or different legal construction.

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[1] The six civil rights organizations were: American Friends Service Committee, Delta Ministry of the National Council of Churches, Lawyers' Committee for Civil Rights Under Law, Lawyers Constitutional Defense Committee, NAACP Legal Defense and Educational Fund, Inc., and Washington Research Project.

BACKGROUND

The appropriation for the Emergency School Assistance Program was enacted on August 18, 1970, and the program became operative on August 29, only a matter of days before the opening of school across the Nation. The fundamental purpose of ESAP, of course, was to assist eligible school districts to implement their desegregation plans promptly, completely and without disruption. Funds were quickly allocated to states, and 1319 school districts were identified by the Department as potentially eligible for participation in the program. The Office of Education began immediate reviews of applicants' proposed projects in order to meet the needs of school districts in as timely a manner as possible.

While the program was designed to permit the swift dispatch of assistance, it was also designed to serve only those districts which appeared likely at the time of their applications to carry out their desegregation plans fully and fairly in all regards. The appropriations bill and Department regulations governing the program required applicant districts to promise in their applications that they would, as a condition to the receipt of funds, take steps to eliminate the vestiges of discrimination in the conduct of all their school operations.[2]

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[2] It should be noted that one of these civil rights assurances did not promise _future_ action only, but also required the district to assure the Government that it had not in the past engaged in unlawful transfers of public school property to private, discriminatory schools. A more detailed discussion of this and the assurances of post-grant compliance is contained in the attached report.

Prior to decisions on grant applications, Office for Civil Rights and Office of General Counsel personnel undertook to review each district's current record and, where time and resources allowed[3], the actual conditions prevailing in the district in order to attempt to assess its current compliance status and the likelihood of its subsequent compliance with the assurances it had made. Plans were also made to conduct post-grant reviews of funded districts in order to evaluate their compliance with the assurances.

A brief summary of the figures indicates the statistical results of the project and compliance features of the program to date. Of the 1319 school districts originally identified as potentially eligible to participate in ESAP, as of the end of January 1971, 882 districts had been funded in the amount of $60.7 million. Approximately 321 districts chose not to apply for ESAP funds after being advised by Department officials of program requirements, including civil rights-related assurances, at state technical assistance conferences held in late summer and early fall, 1970. In addition, applications from 51 districts were rejected either for inadequate project design or eligibility or civil rights-related problems. The remaining 60 some districts were either informally advised of ineligibility or are in a so-called "hold" category pending a resolution of project or compliance problems.

Of the 882 districts funded through the end of January, OE personnel have conducted post-grant, on-site reviews of 187 districts to check program and project progress. OCR officials have conducted post-grant, on-site reviews of 147 funded districts to check compliance with the civil rights-related assurances.

The OE and OCR on-site reviews are supplemented with information contained in evaluation forms submitted by each of the funded districts. As of the end of January, 670 districts had returned their evaluation forms as required. Districts which have failed to honor this assurance requirement by returning the completed forms, are being notified of grant termination proceedings. The first of such notifications were sent in early February to 11 districts, and the first termination hearings are scheduled for February 17, 1971. Others will follow as the facts indicating non-compliance are identified and documented, and the Office of General Counsel is able to prepare for hearings.

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[3] The Office for Civil Rights had 32 professional reviewers available to conduct pre-grant reviews, including on-site investigations, of the approximately 1,000 districts which applied for funds.

The information contained in the evaluation forms pertaining to the formation of bi-racial and student advisory committees and to student and faculty assignments are being computerized. The computer printout will identify potential problem areas so that swift follow-up action can be made, particularly in those districts where post-grant, on-site reviews cannot be conducted because of time and resource limitations.

THE WRP REPORT AND SUMMARY OF DHEW INVESTIGATIONS

The WRP Report focused on the Emergency School Assistance Program in the two major areas discussed above: (1) the nature of certain programs and projects funded, and (2) the civil rights-related compliance status of certain districts funded.

Program and Project Criticisms:

With regard to project funding, the allegations made in Chapter II of the WRP Report were based on a reading of 368 ESAP applications, which were provided to the Washington Research Project upon request by the Office of Education. Of the 368 projects read, the WRP Report specifically identified only 35 districts as having alleged program or project problems.

-- Of the 368 applications reviewed by the civil rights groups, OE personnel have conducted post-grant, on-site reviews to check program and project progress in 109. Of these 109 districts visited by OE, programs and projects were considered to be progressing satisfactorily in 89. In the remaining 20 districts, problems were identified and technical assistance provided in order to accomplish the necessary corrections.

-- In particular reference to the 35 districts specifically mentioned in the WRP Report, the final OE appraisal of the project proposals submitted by the 35 districts indicated that, while in some cases the funding requests were inartfully or unfortunately worded, the actual projects funded represented valid emergency needs of the local school districts. OE has conducted post-grant, on-site reviews of 26 of these 35 districts. In 6 of the 26 districts visited operational problems were identified and corrective action required. In the remaining 20 districts, programs and projects were considered to be progressing satisfactorily.

Eligibility and Civil Rights-Related Compliance Criticisms:

Criticisms of the civil rights compliance status of certain funded districts are contained in Chapter III and Appendices C - I of the WRP Report. The WRP Report criticisms in this area are based primarily upon interviews with various people during an on-site monitoring program conducted by the six civil rights groups between September 18 and 27, 1970. (See WRP Report pages 70-71)

Districts -- On pages 21 and 22, the WRP Report identifies three funded districts as presumably ineligible because of an alleged failure to have the necessary terminal phase desegregation plans. DHEW had previously confirmed the ineligibility of two of these districts and has voided their grants and demanded the repayment of funds allotted to date. After a re-investigation of the facts, the third district's eligibility was reconfirmed.

In Appendices C - I, the WRP Report alleges that it found civil rights-related problems in 266 districts. Of these:

-- 132 districts have been visited on-site by OCR personnel (48 of these districts have received OCR post-grant, on-site ESAP reviews since November 1970; the remaining 84 districts received routine, on-site Title VI voluntary desegregation plan reviews during September and October 1970. These 84 districts will be reviewed or evaluated again for ESAP purposes.)

-- In another 53 districts mentioned in the WRP Report but not visited by OCR, the Department of Justice has conducted investigations or undertaken enforcement actions.

-- The remaining 81 districts are scheduled for review or record evaluations.

Alleged Violations -- The WRP Report claims that there were 247 different forms of "clear" or "questionable" violations identified during its September reviews in the 132 districts visited (in most cases later) by OCR compliance officers. The Report explains what is meant by the designations "clear" and "questionable" in defining allegations of ESAP violations. (See WRP Report pp. 69-71). While many of the procedures used by the WRP monitors are probably similar to those used by civil rights specialists in OCR, in some respects there may have been significant differences in methodology, access to information, definitions of law, and burdens of proof.[4]

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[4] It is not clear from the WRP Report, for instance, to what extent the Report's allegations of "clear violations" are based on the first-hand observations of the monitors, or to what extent they are based on second-hand information. On page 71 of the WRP Report, the group states that it defines as "clear violations" those facts which were not necessarily observed first-hand by the groups' own monitors, but were "facts related to our monitors, based on first-hand

The Office for Civil Rights, as a Government agency, cannot legitimately conclude that a specific allegation actually constitutes a "clear" violation until it has conducted an evaluation and confirmed findings legally sufficient to warrant formal enforcement proceedings. Therefore, a number of "clear" violations according to the WRP Report may not constitute "clear" violations on the basis of ascertainable facts.

Despite the possible distinctions in approach between the WRP group and Government agencies, the Department has attempted to make a detailed district-by-district comparison of WRP and Departmental findings in participating districts. As this comparison indicates, in some cases violations as defined in the WRP Report have been confirmed as such by OCR on-site reviews. In some cases alleged violations have not been confirmed, either because the violation was remedied between the time of the September reviews of the civil rights groups and the time of OCR's on-site reviews, or because the basis for the WRP allegations simply could not be substantiated upon a more careful review, or because the legal standards the Government must follow in defining "clear" violations are different from those which may have been used by the WRP group. By the same token, (as the WRP Report notes), violations may have also occurred in a district after both the civil rights groups' monitors and OCR personnel had reviewed it.

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4 (cont'd)
knowledge of the relator." At page 70, however, the Report also states that "monitors were instructed to seek an appointment with the school superintendent or his representative, and to attempt to obtain access to official school records...". The Report does not indicate to what extent the monitors were actually successful in their attempts to make first-hand reviews of official records, to observe official actions, classroom settings, teachers, and so forth.

Similarly, the Report does not indicate in what districts the conditions it found would have constituted an ESAP violation if the district had already been funded, or conversely, what districts had not yet applied for ESAP funds, and therefore had not yet made their assurances of compliance or taken corrective action necessary under the regulations.

Finally, in some cases of alleged "clear" or "questionable" violations, OCR reviews substantiated the possibility of a violation, thereby raising a question as to the practice involved, without permitting the conclusion that a violation had in fact occurred. In such cases, the information must be reviewed carefully by OCR and Department attorneys in order to determine whether further investigation is warranted; whether corrective action can be negotiated on the basis of the information existing; or whether limited compliance resources should be turned to districts having apparently more substantial violations.

With these qualifications in mind, the Department's district-by-district comparison indicates that of the 247 "clear" or "questionable" violations alleged to have been found by the civil rights group monitors in the 132 districts visited on-site by OCR:

-- In 96 cases, no evidence was found by OCR investigators to substantiate the alleged violations.

-- In 42 cases, alleged violations were substantiated and corrective action is currently being required.

-- In 89 cases, OCR reviews have identified possible violations which are under evaluation and may be subject to DHEW or Justice Department action.

-- In 20 cases, alleged violations have not yet been investigated and are subject to review or evaluation.

Despite the possible differences between the WRP Report's approach and that used by the Government agencies, the Report has served as a valuable enforcement tool, both generally to confirm findings made by Government enforcement officers, and in many cases to draw enforcement attention (as complaints normally do) to specific allegations in specific districts.

Senator PELL. In essence, I read the Secretary's reply as one which substantiates, in part, the allegations that were raised. Incidents are alleged to have occurred in 266 districts. One hundred thirty-two districts, with 247 violations alleged, were actually visited. Of those, 96 cases were found to be unsubstantiated by the evidence, 42 were substantiated, and 89 called for further review and 20 had not yet been investigated.

I congratulate Mrs. Martin and Mrs. Edelman on the specificness of their work. I read through their original memorandum point-by-point and page-by-page, and thought it a very thorough job indeed.

I look forward to hearing the comments of Mrs. Martin and Mrs. Edelman, on the Washington Research Project Report and, the administration reply to their views on the two pieces of legislation before us today.

STATEMENT OF MRS. RUBY G. MARTIN AND MRS. MARIAN WRIGHT EDELMAN, ACCOMPANIED BY RICHARD WARDEN

Mrs. MARTIN. Thank you.

Mr. Chairman, I am Ruby Martin of the Washington research project. This is Mrs. Marian Edelman and Mr. Richard Warden, also of the project. Mr. Warden and I worked at HEW 2 years ago. I was the Director and he was the Deputy Director of the Office for Civil Rights.

I shall address myself to our evaluation of the emergency school assistance program, and Mrs. Edelman will discuss the substance of the two bills. Mr. Warden will assist us in responding to questions that you or other members of the subcommittee may have.

Since you have indicated that you have read the ESAP report. I will summarize the first two or three pages of my testimony and request that the entire testimony be included in the record.

Senator PELL. Your entire statement will be put in the record as if read.

Mrs. MARTIN. Last November the Washington research project and five other private organizations (American Friends Service Committee; Delta Ministry of the National Council of Churches; Lawyers' Committee for Civil Rights Under Law; Lawyer's Constitutional Defense Committee; and NAACP Legal Defense and Educational Fund Inc.) concerned with the problems of race education and poverty issued an evaluation of the first months of the administration of the emergency school assistance program, which I shall refer to as ESAP. This program was made possible through a $75 million appropriation to assist in school desegregation. Our report was based on analysis of the proposals of more than 350 successful applicant school systems and upon personal onsite reviews of nearly 300 school systems receiving ESAP grants by attorneys and others experienced in school desegregation problems.

Our evaluation thus was twofold. We looked at both the substance of the ESAP proposals and at the performance of school districts under their desegregation plans in relation to constitutional and title VI requirements, and in relation to the special civil rights safeguards spelled out in the legislation and the regulations establishing eligibility to participate in ESAP.

In conducting our evaluation, we first asked the Department of Health, Education, and Welfare to make available all applications from school districts for which grants were approved under ESAP. This request was made in early September. In response, we were given copies of 368 approved applications from school districts in 13 States. The 368 represented slightly more than 50 percent of the funds approved as of October 30, 1970, and 43 percent of the funds obligated by that date.

Second, monitors from the six participating organizations went to 467 school districts which were desegregating their systems under HEW or court-ordered plans. The monitors compiled reports describing the extent to which school systems were failing to comply with their desegregation plans, the extent to which racially discriminatory practices persisted in the schools after desegregation, and other data relevant to an evaluation of the desegregation process. The monitoring effort was largely carried out between September 18 and September 27, 1970. Of the monitored districts, 295 had received ESAP grants by October 30, 1970.

The 467 school districts we monitored were scattered throughout 10 States, and each State was assigned a coordinator, a person with long experience in school desegregation. The State coordinators were responsible for conducting training sessions for monitors working within their States before they went into the field, and for general supervision of persons working in their areas of responsibility. We were particularly concerned about techniques for objective data collection, and emphasized the necessity to interview persons with different points of view within each community—black and whites, school administrators, principals, teachers, parents, and students.

In each case, monitors were instructed to seek an appointment with the school superintendent or his representative, and to attempt to obtain access to official school records of student and faculty assignment.

As a result of our review of grant proposals and visits to school districts, we found what we believed to be serious and widespread deficiencies in the administration of ESAP. Specifically, we found:

(1) Large numbers of grants had gone to districts which, at the time of our visits, were engaging in racial discrimination in violaton of the Constitution, title VI and the ESAP requirements. We found cases of segregation within schools, classrooms and other facilities; cases of segregation and discrimination in bus transportation; cases where faculties and staff has not been desegregated in accordance with applicable requirements; cases of discrimination in the dismissal and demotion of black teachers and principals; violations of approved student assignment plans, and cases of assistance by school systems to private segregated academies. Of the 295 monitored districts receiving ESAP grants, 179 were engaged in practices which, under the program regulations, under language incorporated into the Appropriations Act, and under basic civil rights law should have rendered them ineligible for grants. In 87 other systems, we found sufficient evidence to consider the eligibility of the districts questionable. In only 29—less than 10 percent of those funded as of October 30—did we find no evidence of questionable practices.

(2) We found approved ESAP projects which, on the face of the application, were to support projects which implicitly or explicitly

appeared racist in their conception, and projects which would resegregate black students within "desegregated" schools.

(3) A substantial portion of the "emergency" desegregation funds were allocated not to deal with desegregation at all; applications were approved for projects which amounted to no more than general aid to education. Many of the approved applications indicated that the funds would be used to meet the ordinary costs of running any school system—expenses such as hiring more regular schoolteachers and general teacher aids, custodial help, buying additional regular textbooks, and equipment, and repairing buildings—needs that desegregating districts have in common with school systems throughout the United States.

(4) Grants were made to school districts which were not implementing terminal desegregation plans and, therefore, did not meet the initial condition of eligibility for ESAP funds. We note that HEW has in recent weeks moved to correct these situations; we also note that one of the ineligible districts, which has been advised by HEW to return ESAP funds, has told the Government that it has spent the money and "there is none to return." We wonder what the Government intends to do about this situation.

(5) In the apparent haste to get some funds to as many southern school districts as possible, ESAP money was dissipated in grants which in many cases appeared to be too small to deal comprehensively and effectively—as required by the regulations—with the problems of desegregation.

(6) In sharp contrast to the hasty and haphazard way in which grants for school districts were approved, the significant provision of the ESAP regulations authorizing community groups to receive grants under the program to lend their assistance to the desegregation process has been virtually ignored. As of today, nearly 6 months after the opening of school, not a single grant has been announced under the 10-percent set-aside for community groups under ESAP. We were under the impression that HEW has awarded 43 such grants 2 weeks ago, but a check with the Office of Education staff, only yesterday, revealed that even these 43 are still in the "pipeline", and no community group has actually received ESAP funds.

(7) In many districts the applications indicated that the biracial advisory committees have not been constituted in accordance with the requirements of the regulations.

(8) The funding priorities used by ESAP administrators have been distorted. Our study indicated only a small portion of ESAP funds had gone for projects emphasizing student and community programs designed to improve race relations in desegregating districts.

(9) Perhaps most important, few of the ESAP project applications which were approved showed thoughtful planning by local school systems, guidance by Office of Education officials, or that an "emergency" situation was created by school desegregation.

Our findings were disappointing and discouraging, but they were not entirely unexpected. My associate, Mrs. Edelman, raised many questions about ESAP before this subcommittee last year. In her testimony on June 30, 1970, on the Administration's bill of last year; she warned that plans to obligate the entire amount of ESAP money—at that time, a recommended $150 million—within 3 months provided too short a time to develop rational priorities and an efficient mechanism for processing applications.

Mr. Chairman, her warnings were not heeded in the administration of ESAP, the forerunner of the more comprehensive bill before you today. The grant-making process under ESAP apparently operated on the assumption that a general financial emergency existed in desegregating school districts, an emergency which could best be met by the distribution of some Federal money to as many of these districts as could be reached in the shortest possible time. The administrators left it largely to school officials to define the nature of the desegregation emergencies in their districts; little in the way of direction or evaluation was provided by the Office of Education. The administrative policy produced predictable results—the funding of ineligible districts, racist projects, and projects which had little or nothing to do with desegregation.

As you know, Mr. Chairman, HEW has reacted to our evaluation, and we have been provided a copy of that response. While we have no wish to enter into continuing controversy with the Department about what we consider to be serious abuses in ESAP and equally serious shortcomings in its administration, we do feel obligated to comply with the subcommittee request that we discuss HEW's response to our report.

The reputation of the organizations involved in the preparation of our evaluation—the NAACP Legal Defense and Educational Fund, Inc., the American Friends Service Committee, the Delta Ministry of the National Council of Churches, the Lawyers' Committee for Civil Rights Under Law, the Lawyer's Constitutional Defense Committee and the Washington Research Project—are well established. The persons who actually conducted the reviews were either themselves experienced in civil rights compliance activity and familiar with the process of school desegregation or under the direct supervision of someone with such experience. We stand confidently behind our report and its findings. We have no doubt that it accurately reflects the situation as it was, in late September, when our monitors visited the districts covered by the report. If there has been some improvement since then, we are pleased. Perhaps our report has had some effect in bringing about the improvement. That does not detract from our basic conclusion when we conducted our reviews. That conclusion was:

> Funds that were appropriated by Congress last August to help desegregate public schools have been used for general school aid purposes unrelated to desegregation. In many instances, funds have been granted to school districts that are continuing to discriminate against black children.

That, Mr. Chairman, was what we found in evaluating the ESAP last fall; we stand by that conclusion.

We are pleased that HEW has found our report—to use the words in the departmental response:

> A valuable enforcement tool, both generally to confirm findings made by government enforcement officers and in many cases to draw enforcement attention . . . to specific allegations in specific districts.

This was our intention in conducting the reviews and preparing our report.

Our reading of the HEW report leaves us with the impression that so far as the compliance questions are concerned, the Office for Civil

Rights has in large part corroborated our general findings. We would invite the subcommittee's attention to the statistics cited in the HEW report. Mr. Chairman, you have already recited those statistics and there is no need for me to recite them again.

Office for Civil Rights personnel visited 132 of the 266 school districts in which our monitors found "clear" or "questionable" violations of civil rights law or the program regulations issued pursuant to the ESAP appropriation. Only 48 of the 132 districts, however, received post-ESAP grant reviews. The other 84 were visited by OCR reviewers earlier in the fall during "routine, on-site title VI voluntary desegregation plan reviews," as the Government report has characterized them. Those reviews were designed to determine whether districts were violating civil rights compliance responsibilities under title VI. They did not, as the HEW report acknowledges, extend to all of the requirements of the ESAP regulations.

As the OCR section of the HEW report indicates:

> Title VI plan implementation reviews were of necessity limited to accessing compilance with the student and faculty assignment features of the district's Title VI voluntary desegregation plan. As such, they did not cover the question, unique to ESAP, of property transfers to private schools; nor did they focus in detail upon possible faculty discrimination other than to obtain basic information. . . . Due to time limitations, reviewers were not always able to obtain on-site all pertinent information regarding student classroom assignment patterns and practices throughout the school system.

For this reason, the Office for Civil Rights is planning further ESAP reviews in the 84 districts.

Our report documented noncompliance wih title VI civil rights requirements and ESAP regulations. HEW monitored in 84 of the districts just for title VI noncompliance. The 48 post-ESAP grant reviews by the Office for Civil Rights are directly relevant to our report; the 84 reviews might be relevant, but they are incomplete.

I wish to make one further comment about the ESAP reviews conducted thus far by OCR. They have not been concentrated in the States in which we believe the greatest problems probably exist. There have been only three reviews in Alabama, two in Georgia, three in Mississippi, two in South Carolina, and none in North Carolina.

If the subcommittee wishes, we shall be pleased to discuss our conclusions with respect to the compliance section of the report in more detail. We are not seeking vindication, however; our wish—like that of the Office for Civil Rights—is to correct compliance problems. monitors have found similar situations and while the Office for Civil has moved to correct some of the problems. We urge, however, that the Department take action immediately against all school districts which have violated the ESAP regulations.

Mr. Chairman, the part of the HEW report prepared by the Division of Equal Educational Opportunity (the title IV unit) is quite a different story. While we believe the OCR monitors and our monitors have found similar situtions and while the Office for Civil Rights has accepted the report in the spirit it was intended—as a useful enforcement tool—the title IV unit has summarily rejected all or almost all of our conclusions based upon our analysis of 368 project applications. The title IV unit states that:

> The misinterpretation placed on these projects was caused by the earlier request and delivery of copies of ESAP proposals that had corrected budgets

but not corrected project descriptors. Therefore an examination of the descriptors in the projects were not representative of the actual program activities that were finally negotiated by program evaluators.

The title IV unit apparently is trying to say that although we did have copies of 368 approved project applications, we were not in a position to evaluate project approvals because we were not privy to subsequent negotiations.

Mr. Chairman, I will react to that in just a moment, but as this subcommittee might suspect, in some communities the Freedom of Information Act and other public disclosure requirements, provide the only lever available to local citizens to demand and obtain information about Federal programs. The statement by title IV raises a serious question about the effectiveness of the Freedom of Information Act and requirements for public disclosure of approved applications if, in fact, the applications do not reflect the program or project to be implemented.

With respect to our study, the title IV unit was well aware that we were evaluating the ESAP and our request for copies of the applications was to facilitate that effort. For that reason, we are confident that the applications we received reflected what was actually funded, and we stand by the conclusions we reached after analyzing the applications. If the subcommittee wishes, we are prepared to summarize each of the applications to which the title IV section of the report specifically refers and to indicate exactly why we came to the conclusion that the districts were ineligible. We should add at this point that the title IV unit begins its response by stating that we listed only 35 districts as having problems. That is misleading; we clearly stated that the districts to which we specifically referred in chapter II of our report were not isolated instances, but rather examples of problems found in numerous other applications.

Finally, Mr. Chairman, we wish to reiterate the fact that our analysis and criticisms of the administration of the program were based upon study of 368 applications. The applications were the basis upon which funding decisions were made. The title IV response is based upon reviews of project implementation. If their reviews accurately reflect what is happening, we are pleased to know things are not as bad as we had feared they would be. But what is happening now, months after the applications were filed and approved may have little resemblance to the intentions of the school districts as indicated in their applications, and the applications after all are the public documents upon which community people must depend for their information.

I have given you a summary of what we found and have comments on HEW's response to our study of the administration of the emergency school assistance program. My colleague, Mrs. Edelman, will, as requested by the subcommittee staff, attempt now to relate our findings to the two bills under consideration by your subcommittee and to indicate our preference between the two bills.

Senator **Mondale** (presiding pro tempore). Thank you, Mrs. Martin, for your most useful testimony and for the remarkable work of this group which reviewed the expenditure of the $75 million. One wonders how much of these facts would be known to the Congress and to the public, if it had not been for the work of your organization. We are most grateful to you for these insights.

I understand that there are representatives of the administration here this morning, and I hope that tomorrow morning they will be prepared to respond specifically to the facts which you have alleged here this morning. I am sure they can obtain copies of your testimony and be prepared to respond specifically to those questions tomorrow.

The chairman, Mr. Pell, had to make a quorum of the Rules Committee and will be back. He asked that I turn to Mrs. Edelman and ask for her testimony at this point.

Mrs. EDELMAN. Thank you, Senator Mondale. My statement is very, very long and I will try to summarize portions of it as I go along.

Mr. Chairman, I appreciate the opportunity to appear before this subcommittee today to discuss two bills, S. 195, introduced by Senators Javits and Griffin, and S. 683, introduced by Senators Mondale, Brooke, Ribicoff, Case, and others, as they relate to the problems of desegregation and racial isolation. My name is Marian Wright Edelman. Mrs. Martin and I are partners in the Washington research project.

Our evaluation of the $75 million appropriation for the emergency school assistance program (hereafter ESAP), which Mrs. Martin has just discussed, leads us to be skeptical about the administration of any school desegregation assistance program. As I stated in testimony last year before this subcommittee, our experience with Federal assistance to education, particularly title I of the Elementary and Secondary Education Act, and now ESAP, has shown that unless there is a clear understanding of the goals to be achieved, a well-developed mechanism for review of project applications and distribution of funds. A simultaneously established monitoring system with tough sanctions always applied when necessary, and an operational system of evaluation, the assistance is often wasted, misused, and diverted for purposes not intended by Congress. We should therefore examine the two bills now before the subcommittee in light of whether they meet these standards.

Second, no amount of money can substitute for decent, strong, and consistent Federal enforcement policies in the school desegregation area. One of the disturbing factors in this regard is the failure of this administration to take strong and decisive action against pervasive in-school discrimination against black schoolchildren in so-called desegregated districts. While HEW finally issued its memorandum on minority faculty discrimination, it is prospective and too weak to be effective. Nor has HEW issued its promised memorandum setting forth specific directives regarding pupil discrimination and segregation. A few dollars to finance interracial student contact cannot overcome illegal barriers imposed or permitted by school districts in direct violation of Federal law.

The need for Federal legislative action which produces educational justice for the millions of children who are victims of racially isolated education is indisputable. The real issue is the degree to which such legislation directly results in quality integrated education. A commitment to quality integrated education must pervade both legislative mandate and administrative implementation. We all have a duty to see that we do not tolerate the misdirection of funds for compensatory education which results in continued racial isolation rather than less. We have a duty not to perpetuate schemes that smack of tokenism. We have a duty not to condone or comfort those who have for 17 years denied equal educational opportunity to students within their districts.

We have a duty to prevent, through the construction of new schools, a continuation of the cycle of unjust neighborhood schools. We must be clear that what we are investing in is quality integrated education, and that we are taking real steps to provide stable and lasting integrated educational experiences for all of the Nation's children.

Another consideration relative to quality integrated education embraces another look at the distorted issue of racial balancing as part of the process of desegregating schools.

President Nixon in his desegregation message of March 24, 1970, spoke of "lowering artificial racial barriers in all aspects of American life," while at the same time stating that "in the case of genuine de facto segregation . . . school authorities are not constitutionally required to take any positive steps to correct the imbalance." S. 3883 (the Nixon administration's bill last fiscal year) and S. 195 would disassociate racial balancing from desegregation efforts and confuse constitutionality with educational justice. Moreover, it is hardly positive leadership in a very difficult area. The only way to lower artificial barriers is to correct the imbalance (which has been artificially achieved), and thereby pave the way to quality integrated education. In tone and findings and purpose, S. 683 takes a positive approach by recognizing that segregation and racial isolation, regardless of cause, hurt children. S. 683 calls for quality integrated education rather than mere elimination of discrimination. This is an important point for it sets the standards for debate and the climate for greater achievement than in the past.

Judged against all of these principles, neither bill is the final answer. But in my estimation, S. 683 comes much closer to providing the initial steps for achieving the goals outlined above than does S. 195. More specifically, taking three areas—comprehensiveness of approach, the substance of programs funded, and safeguards and procedures—S. 683 is clearly the better bill.

While I will discuss safeguards more fully in a moment, I wish to say at this point that our experience with the ESAP has emphasized our concern about safeguards to prevent funded districts from discriminating against students and faculty in schools or systems which purport to be integrated. There is nothing so cynical as pouring money into schools for the purpose of achieving integration and at the same time allowing clearly discriminatory activities to take place within those schools. The Mondale-Brooke bill would exclude districts from funding which have engaged in discriminatory action while receiving assistance under ESAP programs unless they go through an elaborate waiver procedure. I can think of no way to write any stronger legislative assurance that the ESAP experience will not happen again. Indeed, we are pleased that Senator Javits has added this same language to the version of the administration school desegregation bill he has introduced this session.

In his testimony before this subcommittee, Commissioner Marland opposed such waiver provisions alleging that adequate assurances were already built in. I disagree. In fact, I remain skeptical in spite of the strong safeguards contained in the two bills you are now considering. Let me tell you why. While few safeguards were written into the appropriations bill which funded the $75 million emergency school assistance program, the regulations issued pursuant to that appropriation were quite strong.

Both Mrs. Martin and myself, among others, were consulted in their development. And while we would have written them differently, we generally felt they were adequate to prevent most abuses in the spending of the $75 million. We were wrong. Regulations are meaningless if administering agencies do not adhere to them.

One way to avoid a repetition of this experience is to make it difficult for districts which have violated assurances in the past to come back for more money as the waiver provisions attempt to do. Another way is not to rely entirely upon Federal authorities to assure compliance with the requirements of a school desegregation assistance program and related legislation. S. 683 would earmark 3 percent of the authorized funds for reimbursement of attorney's fees in successful lawsuits under the act, title I of the Elementary and Secondary Education Act, title VI of the Civil Rights Act of 1964, and the equal protection clause of the 14th amendment. We enthusiastically endorse this provision without reservation.

Commissioner Marland also strongly opposed this provision of S. 683. First, he argued that this would help throw the entire litigation burden in school desegregation in Federal courts.

The Supreme Court has firmly established the principle that cases involving denial of constitutional rights are properly heard in Federal courts. Moreover, the Federal courts have been "burdened" with additional school litigation partially because of the administration's decision to finish the dismantling of the dual school structure through the courts rather than through administrative action under title VI of the Civil Rights Act of 1964. I think the Commissioner is correct to raise the issue of limiting this provision to just Federal courts—I would extend it to State courts as well—but remind him that there are few school suits in the North and West in Federal or State courts because the costs are prohibitive.

Organizations such as the NAACP legal defense fund and the Lawyers Constitutional Defense Committee have spent hundreds of thousands of dollars on several hundred southern school suits, but they do not begin to have the resources necessary to undertake many northern school suits.

Commissioner Marland also raised questions about what is meant by "reasonable" attorney fees and "costs not otherwise reimbursed." Mr. Marland is not a lawyer, I assume. If he were he would know that virtually the same language regarding reasonable attorney fees appears in both title II—public accommodations—and title VII—employment discrimination—of the 1964 Civil Rights Act. The courts have had no difficulty in determining the appropriate fees and costs in such cases after looking to the minimum fee schedules of local bar associations and other such pertinent materials for guidance. "Costs not otherwise reimbursed" are easily indentifiable and include such expenses as extensive depositions, copying charges, consultantion fees, and travel costs.

The Commissioner also ignored the very successful experience under the Federal Criminal Justice Act by which the Administrative Office of the U.S. Courts pays attorneys who have represented indigent persons charged with Federal crimes.

Commissioner Marland further asserted that the attorney fees provision would "tend to discourage negotiation and settlement of complaints" since the defendants would no longer be liable for the plaintiffs' counsel fees "as he may be under existing law." However, our research has found that plaintiffs are awarded fees in school desegregation cases only in exceptional circumstances. In the ordinary cases, the courts have refused to award fees at all. I have prepared a brief legal memorandum on attorney fees in school desegregation cases for this subcommittee's consideration.

Senator **Mondale**. Mr. Chairman, I would ask that be done.

Senator **Pell**. That will be done.

(The information referred to follows:)

COUNSEL FEES IN SCHOOL DESEGREGATION CASES.

Traditionally American courts have not awarded attorneys fees to the prevailing party in litigation. Mills v. Electric Auto-life Co., 396 U.S. 375 391 (1970); Williams v. Kimbraugh, 415 F.2d 874 (5 Cir. 1969), cert. denied 396 U.S. 1061 (1969). "Their award necessarily requires a permitting statute, a contractual obligation, or an equitable discretion in the trial court." Williams v. Kimbraugh, supra 415 F.2d at 875.

No statute grants attorneys fees in school desegregation cases. Kemp v. Beasley, 352 F.2d 14, 23 (8 Cir. 1965).[1] Of course there is no contractual basis for such awards in these cases. And courts in school cases have exercised their equitable discretion to grant attorneys fees only in rare and exceptional circumstances:

> "It is only in the extraordinary case that such an award of attorneys fees is requisite ... Attorneys fees are appropriate only when it is found that the bringing of the action should have been unnecessary and was compelled by the school board's unreasonable, obdurate obstinacy."

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[1] The Civil Rights Act of 1964, which expressly allows counsel fees in public accommodation and employment discrimination cases, does not apply in the school desegregation cases:

> "The plaintiffs' claim for attorneys fees is a matter that rests in the discretion of the trial judge. They cite in support of their claim the Civil Rights Act of 1964 which specifically allows attorneys' fees in cases filed to redress discrimination in Public Accommodation actions. This Act provides no legal basis for attorneys fees in school desegregation cases. Congress by specifically authorizing attorneys' fees in Public Accommodation cases and not making allowance in school desegregation cases clearly indicated that insofar as the Civil Rights Act is concerned, it does not authorize the sanction of legal fees in this type of action."

Kemp v. Beasley, 352 F.2d 14, 23 (8 Cir. 1965); Williams v. Kimbraugh, 415 F.2d 874, 875 (5 Cir. 1969), cert. denied 396 U.S. 1061 (1969).

Bradley v. School Board of City of Richmond, 345 F.2d 310, 321 (4 Cir. 1965)[2]

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[2] Accord: Rogers v. Paul, 345,F.2d 117, 125 (8 Cir. 1965); Clark v. Board of Education of Little Rock, 319 F.2d 661, 670-671 (8 Cir. 1966); Jackson v. Marvell School District No. 22, 389 F.2d 740, 747 (8 Cir. 1968).

Mrs. Edelman. Rather than discouraging negotiation, the counsel fees provision of S. 683 will mean that many school officials will have to negotiate in good faith with local black parents and citizens, since for the first time black persons and other minorities will have available private counsel with the resources to represent them in court properly and effectively.

Finally, the Commissioner mistakes the question by asking, "Would $45 million, or any other sum, be better spent on enforcing antidiscrimination laws with respect to the schools than it would be on enforcing such laws with respect to housing, or 'legal services,'?" Guaranteeing constitutional rights should be the highest priority of all branches of government. Poor and minority citizens should not have to choose between nondiscriminatory schooling, housing, or other services that other citizens are entitled to. None of the agencies, HEW, HUD, or OEO have sought adequate enforcement funds. Rather than question whether this Committee should be authorizing $45 million to help end school segregation, the Commissioner should be seeking more funds for this purpose and encouraging his own agency and others to seek budget increases to better enforce antidiscrimination laws in their areas.

All of these things should be done simultaneously. It is not and should not be an either/or proposition as the Commissioner tries to make it. If we have to draw priorities, let us do so as regards defense spending and not among already grossly underfunded domestic programs.

COMPREHENSIVENESS OF APPROACH

The problems of racial isolation and equal educational opportunity are national in scope. As Secretary Richardson pointed out last month, there is now a higher percentage of students in nonminority schools in the South than in the North. This represents some progress, at least in the South. But it is hardly grounds for rejoicing that 17 years after Brown, only 38 percent of black children in the Deep South and 28 percent of the black children in the North and West are in majority nonminority schools. It is time for all of us who have concentrated on desegregation efforts in the South to realize that school desegregation is a national problem. We must move away from just "dismantling dual school structures"—since, in the South, the Justice Department and some lower courts have condoned continued existence of racially identifiable schools in formerly dual systems—and move toward the establishment of integrated schools with innovative educational programs.

We must approach the problem of racial isolation comprehensively. S. 683 contains a comprehensive approach. It says segregated education is bad wherever it is and whatever its cause and sets as a goal, quality integrated schools. The administration bill does not set a national standard of integration. Indeed it perpetuates an unnecessary distinction by categorizing the types of districts for which assistance will be available. For example, school systems which are desegregating under court orders or title VI of the Civil Rights Act of 1964, regardless of whether there is real integration occurring in the schools of such districts, are eligible for assistance. Then it makes eligible districts which are reducing racial isolation in their schools without specifying what "reducing" means in terms of integration.

S. 683 is more positive and therefore will be more effective in several important ways.

1. DEFINITION OF "INTEGRATION"

S. 683 defines an integrated school as one containing both educationally advantaged and educationally disadvantaged as well as minority and non-minority students. It takes into account the educational advantage of economic diversity as a key element in successful integration. President Nixon himself has reiterated this principal conclusion of the Coleman report when he stated last year:

> . . . in order for the positive benefits of integration to be achieved, the school must have a majority of children from environments that encourage learning—recognizing again that the key factor is not race but the kind of home that the child comes from.

The administration bill, S. 195, on the other hand, does not speak in terms of integration or integrated schools at all. In fact, the two paragraphs defining those eligible districts to which I assume most of the money will be directed—districts with court order or title VI approved plans—mention only the desegregation of schools. Since "desegregation" is not defined for the purposes of this act, S. 196 leaves it up to the courts and title VI to define desegregation.

It was the courts in Shreveport, La., for example, and HEW title VI compliance personnel in Columbia, S.C., for another example, which, in formerly dual systems, have defined desegregation to mean the continued existence of 12 all-black or nearly all-black schools in each of these districts. Furthermore, in court and title VI approved desegregation plans, there is frequently little consideration of the educacational background of the students who are reassigned. This often means that when schools are integrated, poor blacks and poor whites are assigned to the same facilities. In such circumstances, the educational advantages of desegregation are less likely to materialize. The racial and economic integration as provided in S. 683 would not only produce integration but improve educational quality as well.

Commissioner Marland criticized the Mondale-Brooke bill for not providing a districtwide approach. However, it is only in the court and title VI approved desegregation plan districts (which are found almost entirely in the South) that systemwide consideration is required under the administration's bill. In the North, under Javits-Griffin, Commissioner Marland testified that the Secretary has the authority to examine a local educational agency's entire desegregation plan to assess its comprehensiveness and the degree to which it will actually achieve its purpose, despite the fact that the district is only requesting federal assistance for a small piece of the overall plan. So while a systemwide approach may be required in some districts by Javits-Griffin, it does not guarantee any substantial systemwide integration.

In summary, S. 195 and S. 683 both would permit funding of school districts containing both integrated and segregated schools. But S. 683 would provide funds only for use in meaningfully—as defined—integrated schools.

2. DISCOURAGES TOKENISM

Under S. 683, local educational agencies must establish or maintain stable, quality, integrated schools in order to receive assistance under the act. But under S. 195, a district may be funded if it reduces to an undefined level, the total number of minority group children in its isolated schools. This invites tokenism. It would permit funding of a district which moves a handful of minority group students into schools which remain overwhelmingly nonminority.

3. REQUIRES BOTH STUDENT AND FACULTY INTEGRATION

S. 195 authorizes funding of districts for desegregating its faculties without necessarily integrating or even desegregating its students bodies. We assume the authors of S. 195 did not intend to do so. Moreover, the language of section 8(10) would appear to preclude the voluntary integration of faculties under the act, even though President Nixon himself enunciated a policy of complete faculty integration in his March 24, 1970, statement on school desegregation.

Worse, the standards for faculty desegregation announced in the Singleton case and endorsed by the President and administration are undercut in S. 195.

4. ASSURES ADEQUATE CONCENTATION OF FUNDS

The administration bill has no provisions to prevent the spreading of funds thinly and thus ineffectively. S. 683 requires that programs funded must "involve an additional expenditure per pupil to be served . . . of sufficient magnitude to provide reasonable assurance that the desired educational impact will be achieved."

5. PROVIDES FOR INDEPENDENT PROGRAMS SPONSORED BY PRIVATE NONPROFIT GROUPS

Under the Mondale-Brooke bill, 6 percent of the funds appropriated is earmarked for projects submitted by private, nonprofit groups to promote equality of educational opportunity. No money is earmarked under Javits-Griffin. And under the administration's bill it appears that private groups can only be funded where the local district has also applied for funding. That would exclude groups with good proposals in districts where officials have turned their backs on promoting integration and where private action is needed more than ever.

6. AUTHORIZES A STANDARD FOR INTERDISTRICT COOPERATION

It is quite clear that in order to completely integrate the majority of the large urban school districts in this country, interdistrict cooperation will be necessary. S. 683 recognizes this fact and sets aside 10 percent of the authorized funds as an incentive for combined urban-suburban efforts in establishing integrated schools. While the bill sets forth a standard of integration to be achieved in such efforts, it is much too low and we urge a maximum variation of 20 percent. S. 195 does authorize interdistrict cooperation, but it sets no standard for the integration to be accomplished, nor does it earmark funds for this purpose.

7. PROVIDES FOR EDUCATIONAL PARKS

One of the most innovative and promising means of reducing minority group isolation in metropolitan areas may be the development of educational parks. While several big city systems have explored this possibility, sufficient funds toward their construction have been unavailable. S. 683 would set aside 10 percent of the funds for the development of model integrated educational parks. It would thus provide a start toward getting these educational innovations established. From this could come useful lessons to be applied in future efforts to integrate urban school systems in all parts of the country. The administration bill has no comparable proposal.

8. PROVIDES FOR INTEGRATED CHILDREN'S TELEVISION PROGRAMS

The problems of racial and ethnic devisiveness in this country will never be overcome until minority and nonminority groups learn more about each other. The Mondale-Brooke bill would attempt to do something about this understanding gap. It would set aside 5 percent of the funds authorized for the "development and production of integrated children's television programs of cognitive and affective educational value."

9. LIMITS THE PERCENTAGE OF DISCRETIONARY FUNDS

S. 195 would give the Commissioner of Education 20 percent in discretionary funds while S. 683 would limit discretionary funds to 10 percent. Commissioner Marland in testimony before this committee on February 10 stated that "the Secretary may use these funds—the 20-percent discretionary funds—to support model and demonstration programs of national significance"—model programs similar to those funded under S. 683, he later said.

If it is the administration's intention to fund such model programs, why did they not spell it out in their proposed legislation with appropriate requirements for effectiveness as Senators Mondale and Brooke have done?

Authorized activities

Mr. Chairman, at the heart of bills such as those before your subcommittee is the substance of the programs to be funded. In my testimony before your subcommittee last June on a bill very similar to the Javits-Griffin bill, I expressed concern about the vagueness of the bill's program proposals and outlined in some detail the type of proposals I thought should be authorized.

I stand by my earlier testimony and ask that part of that statement be incorporated in your hearing record at the end of my prepared remarks.

Senator **Pell**. The various items you have requested be put in the record will be put in.

Mrs. **Edelman**. While I find no substantial change in the administration bill's list of authorized activities, S. 683 addresses itself specifically and exclusively to programs leading toward the achievement of integrated schools and equal educational opportunity. Most importantly, S. 683 carefully defines and limits activities which may be funded, while S. 195 fails to limit activities for which funds may be received, specifically authorizing as a catchall "other specifically designed programs or projects which meet the purpose of this act."

Other positive limiting provisions found in S. 683 but absent in S. 195 include authority for:

1. Development of new curriculums and instructional methods, specifically including instruction in the language and cultural heritage of minority groups.

2. Remedial services, beyond those provided in the regular school program, including student-to-student tutoring. S. 195 provides for funding programs for the intellectually gifted and talented. What has this to do with desegregation? Does it encourage tracking? In all remedial services, I would hope that care is taken to render them supplemental to normal school activities in order not to further separate children during the schoolday.

3. The hiring of teacher aides, requiring specifically that in recruiting such aides preference be given to parents of children attending schools affected by the act.

I oppose use of desegregation funds for physical improvement—other than educational parks, magnet schools, that is, educational innovations. If such provisions are deemed essential by the Congress, I would urge that a strict limitation, like 10 percent, be set which S. 683 does and S. 195 does not.

Safeguards and procedures

Mr. Chairman, as I mentioned earlier, we are very concerned about the effectiveness of safeguards against abuse and provisions requiring accountability. S. 195 and S. 683 both have adopted the safeguards similar to those which were contained in the regulations developed pursuant to the appropriation of the $75 million last year for the emergency school assistance program. These safeguards, in strengthened form, declare ineligible any district which has assisted a segregation academy, discriminated against faculty members, or engaged in in-school or in-class segregation. In addition, both bills have added a provision prohibiting the limitation of "curricular or extracurricular activities * * * in order to avoid the participation of minority group students." And both bills provide for a waiver of ineligibility if a district provides certain information and assurances to the Secretary, and a waiver is much more difficult to obtain if the district engaged in the illegal behavior while receiving ESAP assistance.

Although we may be skeptical about the success of such legislative safeguards in preventing abuses, we remain hopeful. But I do have one question; how will a waiver determination be made that a district has engaged in illegal activity? Must HEW have initiated a formal administrative hearing leading to termination of ESAP and other Federal funds—that is, title VI? If so, you might as well omit the two and one-half pages outlining the ESAP waiver, for HEW has taken few such actions against ESAP districts. HEW has negotiated some ESAP districts into compliance, but they were out of compliance when they first received ESAP funds. Would such districts have to go through the ESAP waiver procedure? It is clear to us with respect to the ESAP that Federal compliance enforcement has left something to be desired. As I indicated earlier, we wholeheartedly endorse the Mondale-Brooke provision for reimbursement of attorneys' fees in successful education lawsuits to preclude the necessity of relying entirely upon Federal compliance enforcement.

Another weak aspect of the administration bill is the total absence of accountability provisions. There are no provisions for parent, teacher, and student participation in the development and implementation of projects funded under the act, nor is there a requirement for public disclosure by school officials of the provisions of applications before or during implementation.

By contrast, the Mondale-Brooke bill requires open hearings at the local level and biracial committees composed at least half of parents to assure participation by parents in the development and implementation of integration projects. It requires full public disclosure, including information relating to educational achievement of children in all schools of the district.

The provision I would like to mention, included in both bills, is that for grants to districts "for unusually promising pilot programs or projects designed to overcome the adverse effects of minority group isolation by improving the academic achievement of children in one or more minority group isolated schools." While I feel that integration is the best way "to overcome the adverse effects of minority group isolation," I am not at all convinced that such integration will be completely achieved before another generation of minority group children are relegated to educational and, therefore, economic and social inferiority. We must learn, therefore, how to teach isolated educationally disadvantaged children more effectively in the immediate future.

Mr. Chairman, we strongly endorse S. 683. While not the final answer to solving the problems of segregated or racially isolated education in this country, it will lay a foundation upon which we can build in integrating and upgrading the quality of education in the schools of America.

What will be needed in the long run, Mr. Chairman, is a national compliance program under which school districts are required to integrate their schools, whether they are de jure or defacto segregated, over a specified period of years and with adequate financial and technical assistance. Short of such a national compliance program, we support the Mondale-Brooke proposal as an essential and important move in that direction.

Finally, Mr. Chairman, I respectfully wish to suggest a few strengthening amendments to the existing provisions of S. 683 which we hope could be added by the subcommittee:

1. The highest priority under the bill should be assigned to funding school districts which integrate all schools within the system to meet the standard spelled out in the definition of integrated schools in S. 183.

2. If the program should be renewed beyond the 2 years for which funding is requested in this bill, I would add a requirement that a school district must increase at least by one each year the number of integrated school projects funded under this act, and that they be automatically assured of an increase of funds for the new students involved at least equal to the per pupil expenditure of schools already participating in this program. Such a requirement builds a progressive and continuing financial incentive to integrate schools.

3. I would omit the 1,000 student population minimum size requirement for a school district's eligibility but retain the requirement that the district be made up of at least 20 percent minority group children until the 3,000 student population level is reached. Within the 1,000 student population requirement, small, isolated, rural districts in Texas, Oklahoma, Arkansas and elsewhere would be excluded

from funding. These districts probably should be consolidated with the neighboring districts, but it would be unfair to penalize them without penalizing their neighboring and larger districts which may well be refusing to take them in.

Mr. Chairman, we wish to summit for the hearing record, along with our prepared statements, a memorandum elaborating upon our testimony with respect to reimbursement of attorney fees and a second memorandum regarding the relative merits of including safeguards as conditions of eligibility or as assurances. We also wish to file for the record a brief fact sheet summarizing the comparable provisions of S. 195 and S. 683 as we see them.

(The information referred to follows:)

WASHINGTON RESEARCH PROJECT ACTION COUNCIL
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3-22-71

MEMORANDUM

TO : Honorable Claiborne Pell
Chairman, Subcommittee on Education
U.S. Senate

FROM: Marian Wright Edelman
Director, Washington Research Project

RE : School Aid Legislation

During our testimony before your Subcommittee, you asked that we make recommendations as to how the two pending bills, the Emergency School Aid Act of 1971 (S.195) and the Quality Integrated Education Act of 1971 (S.683), might be combined in a compromise. At the time we resisted doing so because we believe S.683 is clearly the superior bill. At the end of the hearing, however, we did promise that we would try to recommend a compromise containing elements of the two bills. What follows is our attempt at combining the two bills.

As we indicated in our testimony, we support the "integrated schools" approach of S.683 because it spells out a standard of integration which must be met as a condition to receiving assistance. The definition of "integrated school" starting on line 7, page 27, of S.683 embodies the standard which assisted schools must meet.

S.195 totally lacks such a standard. It would fund districts simply because they happened to be under Title VI plans or plans developed to meet the requirements of court orders. The problem with this, as we tried to point out in our testimony, is that some court orders are effective in bringing about integration; others leave racially-identifiable schools and are ineffective in integrating schools. The same is true of Title VI plans. If a district is under an ineffective court order or Title VI plan, it would still qualify for assistance under S.195. The only way such a district could qualify under S.683 would be to have integration occur in its schools -- integration which met the standard of S.683. The Administration bill is also deficient in the sense that it would fund school districts for reducing minority group isolation without defining the term "reducing". This could mean moving a handful of black students into schools which remain overwhelmingly white or vice versa and basically segregated.

It has been 17 years since the Brown decision declared that segregation is unconstitutional, and the Administration now wants to provide money to all school systems which are finally getting around to complying with the law. And the funds would be provided without doing any more than minimally complying with the requirements of the Constitution. We think it is appropriate for Congress to be speaking in 1971 in more positive terms -- to be requiring districts assisted under this legislation to meet a relatively high standard of integration in their schools.

With all this having been said, we recognize that there are desegregating districts which do need assistance to do what the courts have told them they must do. In Charlotte-Mecklenberg, North Carolina, and Los Angeles, for example, there may be a need for assistance to buy buses. In other desegregating districts, there may be other legitimate needs directly relating to the desegregation process -- unlike the types of projects funded for the most part under the $75 million Emergency School Assistance Program appropriation last year.

Therefore, we recommend that 50 percent of the funds authorized by the bill marked up by your Subcommittee be allocated as follows:

1. 30 percent or $450 million, for integrated schools as defined in S.683.
2. 20 percent, or $300 million, for desegregating school districts (under Title VI or court-ordered desegregation plans) and for school systems which adopt and implement plans for the complete elimination of minority group isolation in all their minority group students).

Such a division would fund the "integrated schools" of S.683 and the "desegregating schools" of S.195. In recommending this allocation of 50 percent of the authorized funds, we would hope the Subcommittee will delete the categories of districts declared eligible in Sec.5(a)(3)of S.195. These categories invite tokenism and are not likely to result in meaningful integration.

In the case of "desegregating" districts - because of the experience with ESAP, we strongly recommend that the Subcommittee write into its bill a requirement that there be a pre-grant, on-site review prior to the time that a project in such a district is approved.

The Administration bill calls for 20 percent of the funds to be allocated to the Commissioner of Education to be used at his discretion to meet the purposes of the Act. S.683 would limit the discretionary funds to 10 percent. We recommend that the Commissioner be given 20 percent with the limiting proviso that applications be funded from this source for:

1. Unusually promising pilot programs designed to overcome the adverse effects of minority group isolation

by improving the academic achievement in one or more minority group isolated schools (using the definition of "minority group isolated school" in S.683). See Sec. 5(a) of S.683.

2. Development of integrated educational television projects.
3. Other innovative activities directly related to the process of integration or desegregation.

We recommend that the remaining 30 percent of authorized funds be divided in the following manner with our priorities assigned in descending order:

1. 3 percent for reimbursement of attorneys' fees in suits under the legislation, Title I of ESEA, Title VI of the Civil Rights Act of 1964 and the equal protection clause of the 14th Amendment, as provided in S.683.
2. 10 percent for development of education parks, as provided in S.683.
3. 10 percent for inter-district cooperation between urban and suburban districts to establish integrated schools. The standard of integration in such schools should be that their enrollment not vary more than 20 percent from the ratio of minority to nonminority group students enrolled in the participating school districts.
4. 6 percent for projects submitted by private, non-profit groups to promote equality of educational opportunity, as provided in S.683.
5. One precent for evaluation, as provided in both bills.

We endorse the following provisions which are common to both S.195 and S.683:

1. List of authorized activities.
2. Requirements for public disclosure and for meaningful participation of teachers, parents and students in the development and implementation of integration projects.
3. Requirement that projects funded must "involve an additional expenditure per pupil to be served...of sufficient magnitude to provide reasonable assurances that the desired educational impact will be achieved."

We strongly oppose the following provisions found in S.195:

1. The language referring to "freedom of choice" in Sec. 8(a)(8).
2. The provision making eligible districts which desegregate faculties without desegregating students or vice versa. (Sec. 5(a)(1)(A) and (B)).
3. Language of Sec. 8(10) precluding the voluntary integration of faculties while permitting it in districts desegregating under court orders or Title VI.
4. Language of Sec. 10(c) authorizing direct grants to private schools is subject to abuse unless such schools are required to meet the S.683 standard of integration.

We endorse the following provisions found in neither bill:

1. The recommendation of Senator Pell for a provision

establishing a procedure under which an aggrieved party could file a complaint with respect to an alleged violation of the school desegregation assistance measure or Title VI of the Civil Rights Act of 1964. Within a certain period of time, the Secretary would investigate the complaint. If he found probable cause, he would immediately suspend further assistance to the recipient district and hold a formal hearing. If the hearing determined that the complaint were justified, assistance would be terminated. If not, assistance would be resumed. In this way, there would be some check against discrimination or violations of program regulations -- problems which we found to be pervasive in the Emergency School Assistance Program. Such a complaint procedure provision would be similar to an amendment offered on the House floor last year by Congressman Reid.

2. As indicated above, we recommend that the Subcommittee include a provision requiring pre-grant, on-site reviews by HEW to assure that desegregating recipient districts in particular are complying with the terms of their court-ordered or Title VI school desegregation plans before they begin receiving assistance under the Act.

3. A requirement that the highest priority under the bill be assigned to funding school districts which integrate all schools within the system to meet the standard spelled out in the definition of integrated schools in S.683.

4. If the program should be extended beyond two years, a requirement that funded districts must increase by at least one each year the number of integrated schools (as defined) and that they be automatically assured of an increase in funds for the new students involved at lease equal to the per pupil expenditure of schools already participating in the program.

5. Omit the 1,000 student population minimum size requirement for a school district's eligibility in S.683, but retain the requirement that the district be made up of at least 20 percent minority group children until the 3,000 student population level is reached.

We would appreciate the opportunity to meet with you or your staff to discuss our suggestions further. We appreciate your interest in our views on the legislation now before your Subcommittee.

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2-24-71

MEMORANDUM

TO : Senate Subcommittee on Education

FROM: Marian Wright Edelman

RE : Civil Rights and Program Safeguards

S.683, the Mondale-Brooke bill, and S.195, as modified by Senator Javits, sets forth certain requirements as conditions of eligibility rather than simply relying upon assurances. This is important, but the bill passed by the House last year and resubmitted by the Administration this year, did not spell out the civil rights and other program safeguards as conditions of eligibility.

Rather than develop the distinction for purposes of our testimony, I would simply invite the Subcommittee's attention to the memorandum prepared by the Education Division of the Office of General Counsel at HEW for Mr. Jerry H. Brader, Director of the Division of Equal Educational Opportunity. The memorandum was dated February 11 and included as part of the HEW report on the Emergency School Assistance Program. That memorandum on page 8 points out that "breach of a grant condition would be a legal basis for termination of the grant..." On pages 12 and 13 of the same memorandum, it is assumed that "the misrepresentations go to an assurance which is not a prerequisite of eligibility. In this case, the grant would seem voidable rather than void."

If a safeguard is a condition of eligibility, failure to abide by it would be grounds for termination of the grant. Violation of an assurance, on the other hand, would make it voidable rather than void. For obvious reasons, we would prefer that safeguards in any school integration assistance measure be conditions of eligibility. We are pleased that this has been proposed in both S.683 and S.195.

EMERGENCY SCHOOL AID ACT OF 1971

The Administration bill, as introduced by Senators Javits and Griffin, contains a number of serious deficiencies:

I. Most serious is its failure to establish a meaningful integration standard defining requirements for funding:

A. It could fund districts desegregating under court orders or Title VI of the Civil Rights Act of 1964 regardless of whether meaningful integration were actually taking place. The abuses reported in the spending last year of $75 million in the special school desegregation appropriation occurred under this approach.

B. It would permit funding of districts, not under legal requirements to desegregate, to "reduce minority group isolation." This invites tokenism; the failure to define "reduce" would permit funding of a district which moves only a handful of minority group students into overwhelmingly white schools.

C. It disregards the importance of economic diversity as a key element in successful integration. As the President himself has pointed out, reiterating the principal conclusion of the Coleman Report:

> "...in order for the positive benefits of integration to be achieved, the school must have a majority of children from environments that encourage learning--recognizing, again, that the key factor is not race but the kind of home the child comes from."

D. It specifically authorizes funding of districts for desegregating school faculties without necessarily integrating students.

By contrast, the proposed Quality Integrated Education Act of 1971, sponsored by Senators Mondale, Brooke and others, adopts an integrated schools approach authorizing funding of activities in schools meeting a high standard of student and faculty integration, including the socio-economic diversity recommended in the Coleman Report.

II. The Administration bill has reallotment and other provisions which in practice would have the effect of spreading the funds thinly and which could prevent adequate funding of promising projects in areas of real need.

By contrast, the Mondale-Brooke bill would concentrate funding in districts with the greatest need in order to assure funding of programs with sufficient comprehensiveness to have a meaningful educational impact.

III. The Administration bill fails to limit activities for which funds may be received, specifically authorizing "other specially designed programs or projects which meet the purpose of this Act". In addition, it opens up the possibility of more abuses by authorizing unlimited expenditures for repair, minor remodeling, alterations or acquisition of equipment and mobile classrooms.

By contrast, the Mondale-Brooke bill carefully defines and limits activities which may be funded and provides that no more than 10 percent of any grant may be used for remodeling, mobile classrooms, etc.

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IV. The Administration bill makes no provision for parent and teacher participation in the development and implementation of projects funded under the Act. Neither does it require disclosure by local educational agencies of the provisions of applications before or during implementation, nor does it earmark funds for participation by community groups to assist in the integration process.

By contrast, the Mondale-Brooke bill requires open hearings at the local level and biracial committees to assure participation of parents in the development and implementation of integration projects. It requires full public disclosure and earmarks funds for nonprofit community-based organizations.

V. The Administration bill fails to provide adequate authority and funds for metropolitan integration efforts.

A. While the Administration bill does authorize interdistrict cooperation, it sets no standard for the integration to be accomplished in such programs and provides no assurance that funds will be allocated for this purpose.

By contrast, the Mondale-Brooke bill earmarks 10 percent of the authorized funds for urban-suburban integration efforts and establishes a standard of integration to be achieved in such efforts.

B. Unlike the Mondale-Brooke bill, the Administration proposal provides no authority for development of model integrated educational parks in metropolitan areas. The Mondale-Brooke bill authorizes 10 percent of the funds for educational parks.

VII. The Administration bill would rely entirely upon federal officials to assure compliance with its requirements and related legislation.

By contrast, the Mondale-Brooke bill earmarks 3 percent of the authorized funds for reimbursement of attorneys' fees in successful lawsuits under the Act, Title I of the Elementary and Secondary Education Act, Title VI of the Civil Rights Act of 1964 and the equal protection clause of the Fourteenth Amendment.

VIII. The Administration bill authorizes 20 percent of the funds for the Secretary to use at his discretion in carrying out the purpose of the Act.

By contrast, the Mondale-Brooke bill would limit the discretionary funds to 10 percent.

Senator **Pell.** Thank you very much. I am pleased that the administration is covering these hearings. Their representatives will be testifying tomorrow. We would hope that the more stringent points that have been made today would be covered when they come up tomorrow.

I congratulate Mrs. Martin and Mrs. Edelman on their statements. This is true women's lib. They are lawyers while the chairman of the subcommittee is not, although I do have lawyers who tell me what to do, although I don't always follow their advice.

Now the broad question I wanted to ask you is: In our plans for the future we accept the fact—and I think the administration accepts the fact—that errors were made in the administration of the appropriated funds. It would have been better, in my view, to have taken the restrictions that you recommend. But as we look ahead—and we are dealing here with a pretty large sum of money—would you rather see the money not spent at all, or spent the way you recommend? In other words, if you had your choice between the administration's bill or no bill, which would you take?

Mrs. **Edelman.** You asked me this question in regard to the $75 million and the $150 million, and at that time I think I said that I would rather not have that money at that time because I feared that the money would be used against the very purposes for which you were appropriating it. I stand by that testimony.

You always have to balance whether if you can't have the whole loaf you should take the half loaf. We are more discouraged in light of the fact that the $75 million has been spent very, very badly, and we would like to have HEW point to those projects that it thinks it has funded which have yielded real and substantial results in desegregation progress that can be pinpointed to this money.

We think very few of all of the projects funded by the $75 million have been spent in good fashion that will further desegregation. In fact, we contend that much of it has discouraged the efforts of desegregation.

Senator **Pell.** Do you feel, speaking of the $75 million then, that the country would be better off if the money had not been spent at all?

Mrs. **Edelman.** In many ways; yes, sir, Senator. Just in the way it makes people more cynical to continue to have us thinking that we are doing something when in fact we are not. It makes school districts and schoolchildren in the South think that performance is not required, and the Government continues to award them for nonperformance.

If the choice that we have now is for the funding of the administration bill which is going to reflect the same experience as with the $75 million, I oppose it. I don't think we should reward or pour out money to school districts who are not going to, in fact, design innovative programs to bring about desegregation. So I would oppose it.

Senator **Pell.** What we hope to do is to combine elements of the administration's bill, elements of Senator Mondale's bill, and put them together into some kind of a composite. It is pretty hard to split the difference in some of these cases.

From a political viewpoint, and both of you ladies are very sharp politically, we face a point here with a middle group in the Congress, in the Senate. There are Members who are opposed to civil rights. There are Members very enthusiastic for civil rights. And either of the latter two groups can block this legislation, while the middle group must be convinced. This is what happened last time.

I agree that faults have been made in spending the $75 million. I don't agree with you that $1 billion $425 million would be better not spent than spent the way it was. I think it could have been spent a darned sight better, but this is again a value judgment, as we see this whole question of priority of moneys going to areas that are unimportant.

Looking at the administration bill, would I be correct in saying that the point that bothers you the most, in broad outline, is the large percentage allocated for the discretion of the Secretary? Would that be the main element that bothers you?

Mrs. **Edelman.** The discretionary fund is only 20 percent. The point is, this act has no standards. It has no goals defined. It will throw out more money, Mr. Chairman, to achieve something that is not defined in this bill. We have no guarantees of any progress other than that mere tokenism is going to be rewarded.

So what is lacking in this bill is any kind of national standard or any kind of standard at all, which will guarantee us some results in desegregation. If we could see what they want to achieve, then we could evaluate. But the point is, here we are just pouring money into the same old thing. An absence of standards for dispensing money and the absence of national goals is what disturbs us most.

Senator **Pell.** I am afraid that in many Government programs a certain amount of money is wasted. I see this in our study of title I, which is where a great deal of this money probably should be spent. And one of the worries I have about the President's revenue sharing is that title I, which depends for its ultimate expenditure on local officials, would not be spent for the benefit of the people in the ghetto areas because they don't vote as a rule with the same heaviness as do the citizens of suburbia.

For that reason, the money would be lost.

Mrs. **Edelman.** Senator, while I agree there is a lot of waste in Government programs, there are ways that we can cut it down. This committee and other committees like this in the Congress can take extra care to put in extra safeguards, and can hold oversight hearings. I think you would get a better performance if you would make them have decent monitoring and evaluation systems and make them come in and report on what they are achieving in terms of results.

You can have standards that you set out in legislation of what you want them to achieve, and then you can demand performance standards from these agencies. I think there is much you can do in writing the legislation which would cut down on the waste.

Again, I want to make a point that, while we endorse the use of more money—I think a lot more money can be helpful—desegregation itself does not demand more money. I think that Federal enforcement policies are crucial, and I think you have to keep bugging them on both of these things at the same time.

Senator **Pell.** When we try to combine the elements of both bills, they seem so different that you almost have to be a Solomon and almost cut it arithmetically.

Mrs. **Edelman.** I do have very big problems with what I would leave out. If you are going to make me choose and mesh these things, I would like to submit to the chairman a memorandum on how we could best mesh these things. I think that might be a more thoughtful undertaking, rather than to say from the top of my head that I am for this or for that.

Senator PELL. I would very much appreciate such a memorandum written in nonlawyer-like language. As chairman of this subcommittee, my job is to try to get out a bill. I still deeply regret not having reported out a bill in the last session of Congress. I will do all that I can to get a bill out in this session.

Do you think funds for desegregation are necessary at this time? The statement "Funds for desegregation such as the administration is asking for are not really necessary" has been heard. What would be your comment on that?

Mrs. EDELMAN. I don't think there is an emergency, Mr. Chairman. I think funds are necessary for technical assistance, for educational assistance, particularly in the North and the West and the urban cities where the school districts are grossly underfunded and cannot come up with the resources to bring about major reorganization of the school systems, so real integration can be achieved.

I think there is a need for substantial sums of money quite apart from enforcement policies. I don't think that is an emergency thing, but I think there is a clear need for massive sums of money to bring about massive integration in this country.

Senator PELL. Would you have any idea of a figure?

Mrs. EDELMAN. It is billions and billions. I don't think anybody has costed it out, but it requires a lot more than what we are talking about now.

Senator PELL. From your viewpoint, do you think we would do just as well to put this money in title I?

Mrs. EDELMAN. No, they are different things. I would be just as happy if title I were enforced well.

Secondly, the point is, I think this money would be well spent if it is carefully earmarked for things that are clearly related to desegregation, carefully related to new kinds of innovations and achieving integrated schools and building educational parks and funding magnet schools in the ghettos in the northern areas. I think if you earmark and pinpoint specifically the kinds of desegregation experiments you want to fund, it would be very useful. I think 683 does that in very large part.

Senator PELL. Senator Javits?

Senator JAVITS. Mrs. Edelman, thank you for being with us.

Mrs. EDELMAN. Can I also issue an apology to you? You submitted something for me to answer some months back when I was out having a baby, and I never got around to it. I am now in the process of doing that answer, and I will have it to you in the next few days.

SIZE OF AUTHORIZATION

Senator JAVITS. I will accept that as your superior duty.

Mrs. Edelman, the thing that does interest me is a remark which I am told you made about whether we should have spent the $75 million at all. It prompts me to ask you what do you think about the order of magnitude we are talking about, both Senator Mondale and the administration. Should we simply accept the billion and a half figure? We thought the $75 million, if anything, was too little. Our complaints really weren't with the money. They were with the fact that we didn't think many of the conditions were observed and that we were embarrassed by the use of some of the money. The Department's defense on the other hand is that most of it, the overwhelming majority, was well used and that what we picked up was only the fallout and that the gain was worth it.

Give us your opinion as to the money. Do you think we are shooting for too big a figure?

Mrs. Edelman. Senator, the issue is not as to the money. It is not that I think the $75 million should not have been used. My problem was that it was put out too quickly without safeguards and assurances that it would be spent for things that would effectively increase desegregation.

There is no doubt in my mind that we could spend $10 billion effectively for desegregation in this country, if the regulations were written tightly, if the administering agencies would enforce the regulations or the safeguards tihs committee may write up, and if they make sure that they set out goals and achieve results that we can measure and which we have written out clearly in our legislation.

My problem is not with the amount of money, it is in how it is going to be spent and whether we have built in the best safeguards and goals and standards to insure progress and to insure results.

Senator Javits. So you support the billion and a half?

Mrs. Edelman. I would support that and your making it $10 billion and I would find a way to spend that as a first step.

DESEGREGATION AND INTEGRATION

Senator Javits. Really the administration is saying that the course of desegregation has not progressed so far but that it needs the stimulus and incentive of this kind of money. So they want to put their emphasis on those who desegregate. That is really what it comes to.

Senator Mondale says, let's put a goal further down the line, the goal of the integrated school, and spend our money for that because that drags along with it, as it were, all of the problems of desegregation. Now, do I gather that you opt for the program longer down the road even though it may not particularly finance desegregation as the administration claims their approach would more quickly? I noticed you shook your head.

Mrs. Edelman. I disagree with the analysis basically. My great problem with the $75 million again here is that we tend to reward those people who have footdragged for the longest and who have been 17 years in coming into compliance. Here we say all of a sudden they are the ones who need the money most. It seems to me we have to raise the standards of performance. I think real integrated schools are achievable right now to both South and North, and I would hope under the standards of this administration is accepting in its desegregation plans there are real integrated schools in Atlanta or Houston, Tex., which could set examples in that community which HEW would want to fund. I think there are integrated schools now in the North which could be strengthened—magnet schools in Evanston, Ill., in Massachusetts, in Englewood, N.J., and other places that are very real and need funding right now.

So I don't think it is a pie-in-the-sky future thing. It is what we are and should be achieving now. But I think the country has to stop thinking negatively in terms of finishing off what has gone on for the past 17 years. We are at a point where we should say nationally we favor quality education, we are going to find out where it can be achieved, and here is where I would have more money. People will want to do these things and I think you should say segregation is bad, we have to support good performance and good quality education North and South and I think we can do that. I think we can spend \$1½ billion on quality integrated schools in the next 2 years.

TWO-YEAR AUTHORIZATION

Senator **Javits**. That 2 years-business troubles me. Do you really think it can be done effectively without force feeding and scattering a lot of money that isn't being well used in the 2 years? Shouldn't we give them more time? Let them spend it in the 2 years, if they can, but don't mandate it in the 2 years?

Mrs. **Edelman**. I think 2 years is reasonable. I think if we were asking them to reorganize their whole school district and if we were asking New York City to desegregate all of the city that would take more than 2 years. I think if we are asking New York City to come in with a decent proposal for two schools, I think they could do that in 2 years.

I think that you don't have to force feed them, but I think you can say there are certain things that we think are achievable that you ought to achieve right away. I don't think this is a pie-in-the-sky kind of thing.

Senator **Javits**. So you are for the 2-year term?

Mrs. **Edelman**. Yes; and the alternative is to continue to fund districtwide mistakes in the South as well so I don't think the administration alternative is any better.

Senator **Javits**. The administration is willing to go for some experimental money, a percentage for educational changes, et cetera, and they are even willing to go for some money for integrated schools. But I think it is a question of how much percentage will go for the desegregation effort.

Senator **Mondale**. Will the Senator yield?

They have never agreed to build one educational park. They say, give us the money and we might build it.

Senator **Javits**. We are coming to that, Senator.

Senator **Mondale**. I hope so.

Senator **Javits**. I like what you say about presenting some ideas to us which will endeavor to reconcile the two positions. I would like to assure you that this will be very helpful to me because, as Senator Pell said, I want to do the same thing. We have to be understanding to the fact that if the President vetoes a bill we may have the same terrible problem we had with the manpower bill everybody thinks it is very desirable but we are absolutely nowhere. So I am hopeful. I know Senator Mondale well enough to know that he feels that to him the aim is greater than anything else. I will do my utmost. I can assure you, to see if we can get a bill and get one we can get the necessary support to pass.

I think it is very helpful that you go for the billion and a half in 2 years.

Mrs. **Edelman.** Senator, I would just say that it is very uncomfortable for me to find myself opposing a bill which your name is on because usually we are working together. I have a great deal of confidence in your ability to sell stuff, and I would just urge that you sell what we think is sellable and try to maintain the highest possible standards.

I think the President would be in a very difficult position to veto a bill that in fact is not contrary to many of the things he has endorsed publicly. I think the amount of money and his great emphasis on school desegregation make it rather difficult politically.

I would just urge you to be on our side because I just have a great deal of confidence in your persuasiveness and your ability to help carry this.

Senator **Javits.** You are very kind, but I really think it is a shortsighted view to impliedly feel that I shouldn't have been on the administration bill because frankly, Mrs. Edelman, you could forget this whole thing if I weren't. The fact that I am, is the real assurance that you are going to get a bill. I deeply feel you will. If that is the extent of my sacrifice it is very minor.

Mrs. **Edelman.** Thank you, Senator.

Senator **Mondale** (presiding pro tempore). Mrs. Edelman and Mrs. Martin, as I understand your criticisms of the administration bill—and there are many— you began with the points that there are no standards, no definition of what it is the administration intends to do with this money.

I think the record bears you out, both in terms of what HEW did with the $75 million and, secondly, their response to questions put to them—Mr. Richardson, Mr. Marland—as to how they define what it is they are after. I submit the record shows there is no definition whatsoever. Stripped to its essentials, the administration said, "You give us $1.425 billion and we will do with it as we please."

They talk about desegregation, but won't define it. They talk about creative and innovative ideas and won't say what they have in mind. And so then we are thrown back to trying to define what it is that they refuse to define, and all we have to go on is the ESAP report which shows how they misspent the first $75 million.

I agree we have had many years of frustrations with education programs, but I submit one of the reasons is that Congress has not exercised its responsibility to define what it is we are up to, and then to develop tools in conjunction with those objectives to assure the Administrators will do what it is we want done.

I think one of the key reasons for the great frustration surrounding title I is that we passed the bill with no protection, no right in the target population to see that the money was spent in the way we wanted it spent, no enforcement tools to be sure it really went for those purposes. And thus we see the great disappointment and despair surrounding this program.

So, if we really want to do our duty here, if we really want a bill to achieve certain defined objectives, I think we have a duty to define them and the duty to develop an administrative and enforcement apparatus that sees that they are done.

I think the proposal we have introduced is not perfect, I know it is far short of a sweeping bill. But at least it tries to define what we are after and at least it tries to surround those objectives with administrative and enforcement machinery which hold some promise that they will be tried, for better or for worse. So when we get done 2 years from now and we can decide what works and what doesn't work, and maybe have a national experiment with integration which puts us on the right track. Right now, all we hear about is the disappointing and explosive problems, and we hear very little about the success stories.

That is why I feel very strongly that we have a duty here in this committee. Now, regarding compromise, we tried very hard to compromise last session. First of all, it is not the Mondale bill, it is the Education Subcommittee bill. It was approved unanimously by this subcommittee after weeks of hard work. Then the administration shot it down.

Then we tried to negotiate again for about 3 weeks with the administration and the negotiations resulted in this kind of an ultimatum from the administration—"Either you take our bill or there will be nothing." They went so far as to see that the House bill was held at the desk so that it could not even come to the appropriate committee to be dealt with.

With that kind of background we now come back again and say, "let's compromise." I am ready, but on what? The administration won't tell us what they want to do. They won't tell us what their stands are. All we have got is the ESAP report, and the administration says it is really a success story. If that is a success story, they ought to lend that public relations man to the Defense Department to help them explain Laos, because they are having troubles there and are just about as successful. It is stalled, it is not getting anywhere.

I lose my temper because anybody who has read this report knows that the expenditure of those funds was a national scandal and an outrage. To have to sit back here and hear, well a little bit did a little bit of good, when HEW funds schools that are giving away private property to segregation academies, when they funds schools that segregate children by color when they come through the front door, that put black kids in one class and white kids in another class and don't let them meet—you find that you are not supporting desegregation, you are endorsing segregation.

As I understand your review of 295 districts receiving ESAP grants indicated that 179 of them were engaged in practices which should have rendered them ineligible, and 87 others were engaged in practices that made their eligibility questionable at best.

HEW, in response to your report, investigated 48 of these districts specifically for violations of ESAP and another 84 for general title VI overview purposes, and found that your report was substantially correct. What action has HEW taken in light of these findings, and to how many of these districts have they terminated or suspended funds?

Mrs. Martin. We don't know the answer to that. I would hope that the committee will ask Mr. Marland that question when he comes tomorrow. We have heard some of rumors regarding HEW action, but we do not know of any specific action they have taken other than with respect to the two districts that were clearly ineligible because they had been determined to be ineligible for any Federal funds because of title VI violations. We are not aware of any other action taken by HEW.

Senator Mondale. The HEW report generally supporting your findings with respect to these violations seriously contested your findings about program matters. You indicate in your testimony a willingness to discuss the specifications on which you and HEW disagree.

Would you give us your version of what the factual situation is in Jackson, Miss.?

Mrs. Martin. I will make an effort, the entire Jackson situation is both complicated and confusing. Jackson is the school district that received the first ESAP grants. The grant was made without an approved application and it was approved with a special understanding. And the Office of Education agrees that this is what happened.

We also stated on our report that the Jackson program amounted to no more than general aid to education. The Office of Education goes into a great deal of detail in explaining the situation in Jackson prior to making the ESAP grant, stating that there had been violence in the community et cetera. But, the project that was approved would seem to have little or no relationship to the violence. The ESAP project, or one of the projects, is to finance a closed-circuit television system to provide what the school system described as "individual instruction."

As far as we are concerned, there is not a single school system in the United States whether it is desegregated, desegregating segregated or integrated that would not like to have a closed-circuit television system for individual instruction. There is nothing that is an emergency about this situation. In our view it is no more than general aid, the kind of aid that any school system would like to have and probably needs.

Senator Mondale. I believe in your report you suggested that books that had been in the Jackson school system, textbooks, had been transferred to private segregation academies. Am I correct in that?

Mrs. Martin. Yes; we charged that the Jackson school system had transferred public school property to a segregated private academy, and this should have been ineligible to receive ESAP funds. In their response, the Department of HEW agrees that Jackson had transferred books to private segregated academies. However, they go on to say that the books were subsequently returned by the Jackson board to the State department of education and then the State department delivered the same books to the segregated academies. This transaction then rendered the Jackson system eligibile to receive $1.3 million in ESAP funds.

Senator Mondale. That seems to satisfy that issue?

Mrs. Martin. Yes; HEW was satisfied.

Senator Mondale. So the issue is not whether a school district, in fact, is supporting a segregation academy, but rather whether he books go around the block once or twice?

Mrs. Martin. Yes; that is the strategy that was used to purify the Jackson school system conduct.

Senator Mondale. Can you comment on the LaMarque, Tex., situation which you referred to originally in your ESAP report?

Mrs. **Martin**. In some respects it is similar to Jackson. It is another case of a school district requesting ESAP funds for a television station to provide closed-circuit television for children. The funds were approved for LaMarque to purchase a closed-circuit television system. And I think the Office of Education says that additional funds were given to them to deal with another kind of emergency. So again it is general aid to deal with problems or to do the kind of things that school districts through the country would like to do.

Senator **Mondale**. It has no desegregation component in it at all, in your opinion?

Mrs. **Martin**. None that we were able to identify.

Senator **Mondale**. What about the Andalusia, Ala., situation?

Mrs. **Martin**. Andalusia is the district we reported as having one of the most racist ESAP projects. The Office of Education response to our charges was that the wording in the application was bad and that there are some problems in the district. They plan to conduct a follow-up review. If the committee is satisfied with that response, I would be a little disappointed. I am not satisfied with their response. OE does not indicate what the problems are, they simply say that the project had apparent problems in accomplishing the defined objectives. And I hope the objectives are not still the racist ones that were set forth in the application.

Senator **Mondale**. Would you read from your report on Andalusia as to exactly what they were doing?

Mrs. **Martin**. "Andalusia, Ala., proposed a community project to deal with the morals, conduct, health and personal standards of black students, and the home environment of black students. According to the application, the houses and neighborhoods of black children are generally unattractive. Little effort is made to make the surroundings attractive with flowers, pictures or furnishings. The grants will pay for visits by teachers to the home of each black child."

Again, the Office of Education admits that there are some problems and that they are following up. I hope that the follow-up will not be to determine whether flowers are being planted in front of the right homes, but rather they are going back to Andalusia to look at exactly what the Andalusia school system is doing with its ESAP grant.

Our concern with the Office of Education's response is that there is a great deal of emphasis about going back and making the school system clean up the language. It isn't the language we are concerned about, it is what is behind the language.

If I had to describe in one sentence our evaluation of what the school desegregation "emergency" was in September 1970, it would be what white parents saw as the inconvenience of desegregation and ESAP funds, for the most part, were spent to make white parents feel comfortable about desegregation, to bathe black children as they come through the schoolhouse door, to provide showers to run them through before they go into the classroom. That would be my one-sentence evaluation of the emergency; that white people feel uncomfortable about it and the Government was trying to provide funds to make them feel better about it. In fact, black children have had to put up with the inconveniences of school desegregation. It is "their" schools that have been closed, "their" teachers that have been fired, and "their" principals that have been demoted. However, little ESAP money appears to have been spent to make them feel comfortable.

Senatore MONDALE. The Congress enacted restrictions which were widely violated—that is schools which had given property to segregation academies would not be eligible, that schools which were simply substituing Federal dollars for local dollars would not be eligible, and several others.

In addition to that, we provided that it should be a national program to be applied nationally with respect to all minorities. I think it is fair to say that for all practical purposes, this was a Deep South program, substituting Federal dollars for local dollars would not be eligible, that there were practically no funds used north of the Mason-Dixon.

In addition to what we told them not to do, and they ignored, I think the bigger issue is that there is very little evidence thatt hey used these funds to encourage anything, to encourage a quality integrated school, to encourage some definition of desegregation.

They keep selling this bill on the grounds that it is going to facilitate desegregation, and I don't see any evidence that under the initial $75 million they were facilitating anything.

Mrs. MARTIN. It is my impression that the Office of Education exercised no leadership at all in administering this program; that it simply approved anything that came down the pike. The school systems defined their own emergencies, came up with their own ways of dealing with it. Out of the entire $75 million I doubt that we have more than a dozen good experiences. I do not believe that we can point to anything upon which to build, to say that this is the direction in which we should be going. Because we have as many different kinds of approaches to dealing with the issues as there were programs funded. Indeed, nobody really dealt with the issues. I think the fact that the Office of Education did abdicate its leadership role is primarily responsible for the mess that was made of the $75 million.

Senator MONDALE. I gather you both feel strongly that the legal services portion of this bill is very important to a meaningful approach. As you know, the Commissioner strongly objected to it and suggested that maybe the OEO legal services program could provide an alternative. I assume he has a plan for California I haven't heard about.

Is it not the case that today most of the lawyer's fees and costs to resist desegregation, resist the 14th amendment, are paid out of public sources?

Mrs. EDELMAN. Yes, sir.

Senator MONDALE. And ironically those that are trying to enforce the constitution have to raise funds privately, particularly now that title IV has abandoned its role of enforcement and the Justice Department is taking, to say the least, a low silhouette posture. Isn't it all the more important that it be possible for private attorneys to bring actions on behalf of the constitution, to enforce these constitutional rights of these schoolchildren? And if that is going to be done there must be some available source of funds to pay the reasonable fees and costs?

Mrs. EDELMAN. I think that is crucial, Senator. In terms of enforcing the Constitution, it has usually been the private groups which have forced the Government's action. It was private groups that won the 1954 Supreme Court decision, after which the Government came in. It has been private groups that sensed what the law could do and set the outside perimeters of what the law should be.

Without private legal help, we would be nowhere near where we are in guaranteeing protection under the 14th amendment, and particularly since the whole posture of northern school law and urban school law is undeveloped, and because the Government does not take an active role. Because we are in the stage of developing the law in northern urban school districts and because they are so much more expensive than the average suit would be, it is crucial to keep private groups in there because it is going to be them rather than the Government, who are going to establish the principles in law and bring desegregation on a nationwide basis.

I think we are facing a terribly important struggle right now in the North where so little has been done, like you said.

Senator **Mondale**. I appreciate your excellent testimony and the very fine work that you have completed in the ESAP report, which is really the only information that we have to go on. It shows how important it is for the Congress to enact a law that has been set up in a way that will work.

Thank you very much.

Mrs. **Edelman**. Thank you.

(Further information subsequently received follows:)

UNITED STATES GENERAL ACCOUNTING OFFICE

COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON, D.C. 20548

B-164031(1)

Dear Mr. Chairman:

This is our report on the need to improve policies and procedures for approving grants under the Emergency School Assistance Program administered by the Department of Health, Education, and Welfare. Our review was made pursuant to your request of November 24, 1970.

Sincerely yours,

Elmer B. Staats

Comptroller General
of the United States

The Honorable Walter F. Mondale
Chairman, Select Committee on
Equal Educational Opportunity
United States Senate

50TH ANNIVERSARY 1921 – 1971

COMPTROLLER GENERAL'S REPORT TO
SELECT COMMITTEE ON EQUAL
EDUCATIONAL OPPORTUNITY
UNITED STATES SENATE

NEED TO IMPROVE POLICIES AND
PROCEDURES FOR APPROVING GRANTS UNDER
THE EMERGENCY SCHOOL ASSISTANCE
PROGRAM
Department of Health, Education, and
Welfare B-164031(1)

DIGEST

WHY THE REVIEW WAS MADE

At the request of the Chairman, Senate Select Committee on Equal Educational Opportunity, the General Accounting Office (GAO) reviewed the policies and procedures of the Department of Health, Education, and Welfare (HEW) for approving grants of Federal funds to school districts to defray the costs of meeting special problems arising from school desegregation.

To meet the emergency needs of school districts that were desegregating, the President, on May 25, 1970, requested that the Congress appropriate, under six existing legislative authorities, $150 million to be made available immediately to these school districts. On August 18, 1970, the Congress appropriated one half of this amount and thereby established the Emergency School Assistance Program.

In accordance with the Committee's request, GAO selected grants made to 50 school districts for its review of approval procedures. The 50 grants, which were made by five of the HEW regional offices, totaled about $14 million, or about 25 percent of the approximately $55 million in grants made to 793 school districts as of November 13, 1970.

This review was conducted at HEW headquarters, Washington, D.C., and at five HEW regional offices. No work was done at the grantee school districts. Consequently, this report does not contain comments on the procedures and expenditures of the school districts relating to these grants. As a follow on to this review, GAO plans to make reviews at the school districts to examine into the expenditures of the grant funds.

The Office of Education and HEW have not been given an opportunity to formally examine and comment on this report, although most of the matters were discussed with agency officials.

FINDINGS AND CONCLUSIONS

Procedural Weaknesses

GAO believes that, in many cases, school districts did not submit with their applications, nor did HEW regional offices obtain, sufficient information to enable a proper determination that the grants were made in accordance with program regulations or that the grants were in line with the purpose of the program.

Most of the applications did not contain comprehensive statements of the problems faced in achieving and maintaining desegregated school systems, nor did they contain adequate descriptions of the proposed activities designed to comprehensively and effectively meet such problems. Particularly, there was a lack of documentation in the regional files as to how the proposed activities would meet the special needs of the children incident to the elimination of racial segregation and discrimination in the schools. (See pp. 26, 45, and 55.)

Therefore GAO believes that the applications in many cases did not provide HEW with an adequate means for determining that project approvals were based upon consideration of such required factors as the applicants' needs for assistance, the relative potential

Tear Sheet

of the projects, or the extent to which the projects dealt with the problems faced by the school districts in desegregating their schools.

The files supporting most of the grants reviewed did not evidence full compliance by the school districts with the regulations concerning the formation of biracial and student advisory committees. Also most of the applications did not contain, contrary to the regulations, adequate descriptions of the methods, procedures, or objective criteria that could be used by an independent organization to evaluate the effectiveness of each project. (See pp. 38, 39, 47, 51, 58, 61, 67, and 69.)

Officials in HEW's Atlanta Regional Office which made 28 of the 50 grants reviewed, told GAO that they generally did not have detailed information beyond that in the project files concerning the program activities set forth in the applications. Some said that they did not have time, prior to grant approval, to seek additional information and had to rely on school district officials to identify the major problems which the districts faced in desegregating their schools and to propose programs to deal with those problems.

Officials in HEW's Dallas Regional Office, which made 12 of the grants agreed, in general, that many of the applications did not contain adequate statements of the problems or descriptions of the activities designed to meet these problems. Officials in both the Dallas and Philadelphia Regional Offices--the Philadelphia office made seven of the grants reviewed--told GAO that they had satisfied themselves with respect to the merits of the projects, prior to project approval, on the basis of their knowledge of the school districts' problems and of their contacts with school officials to obtain additional information as considered necessary. There was an almost complete lack of documentation in the files with respect to the additional information that was known to, or obtained by these regional officials on the basis of which they had determined that the projects merited approval.

In the Kansas City and San Francisco Regional Offices which approved a total of three applications, the applications seemed to have provided sufficient information to enable regional officials to determine that the proposed activities were in line with the purposes of the program.

Transfer of property in Louisiana

GAO noted that Louisiana law requires that school districts furnish school books and school supplies to students in private schools and provides that transportation may be furnished to students attending parochial schools. HEW regional officials contacted 14 Louisiana school districts prior to grant approval and determined that the majority had transferred property or had provided transportation to private schools under the State law. For the two Louisiana districts included in GAO's review, HEW determined that neither district had transferred property or had provided transportation to private schools. HEW decided to certify that the Louisiana school districts were eligible for program funding if it had no indications of civil rights violations other than the transfers allowed by Louisiana law.

Questionable Situations

GAO believes that HEW should have questioned, prior to grant approval, the following situations noted during GAO's review.

- --One school district appeared to have been ineligible to participate in the program, because it had entered the terminal phase of its desegregation plan prior to the time period specified in the regulations for eligibility. After GAO brought the situation to the attention of HEW officials, payments under the grant were suspended, pending a final determination of eligibility. (See p. 20.)
- --Information pertaining to another school district indicated that program funds may have been used, contrary to regulations, to supplant non-Federal funds available to the district prior to approval of its grant. (See p. 37.)

- --Information in the regional files at the time that one district's application was reviewed showed that the ratio of minority to nonminority faculty in each school within the district was not substantially the same as the ratio for the entire school system, contrary to the regulations. (See p. 59.)

GAO noted another case where information that had become available after the grant was made indicated that program funds may have been used to supplant non-Federal funds otherwise available to the school district. (See p. 37.)

Reasons for Weaknesses

GAO believes that the weaknesses in the HEW procedures and practices were due, to a large degree, to HEW's policy of emphasizing the emergency nature of the program and to its desire for expeditious funding, at the expense of a more thorough review and evaluation of school districts' applications, particularly as to the adequacy of described program activities in satisfying program requirements.

GAO believes that, to overcome the weaknesses in the HEW grant approval procedures, HEW should undertake a strong monitoring program to help ensure that the grant funds already made available to the school districts are being used solely for program purposes and not for educational assistance in general. GAO recognizes that postgrant reviews at certain grantee school districts are currently being made by HEW regional officials.

RECOMMENDATIONS OR SUGGESTIONS

GAO believes that, in the event additional Federal funding is authorized for similar assistance to school districts to defray the costs of meeting special problems arising from the desegregation of elementary and secondary schools, HEW should strengthen its procedures for approval of grants to school districts. Such action should:

- --Provide sufficient time for regional officials to make a thorough review and evaluation of each application received so that approval will be based on an understanding of the problems faced in achieving and maintaining a desegregated school system and on an adequate determination that the proposed activities are designed to meet such problems.
- --Require that all information relied upon in approving school district applications, whether obtained orally or in writing, be made a matter of record so that the basis upon which grant approvals are made will be readily available to HEW program managers or to others authorized to review the conduct of the program.
- --Provide for an effective monitoring system to help ensure that (1) grant funds made available to the school districts are being used for the purposes specified in their applications and (2) the school districts are complying with HEW regulations on nondiscrimination as well as with the other assurances given in their applications.

Senator MONDALE (presiding pro tempore). Our final witness this morning is Carl J. Megel, representing the American Federation of Teachers.

We are very pleased to have Mr. Megel with us here this morning.

STATEMENT OF J. CARL MEGEL, DIRECTOR OF LEGISLATION, AMERICAN FEDERATION OF TEACHERS

Mr. MEGEL. Mr. Chairman, my name is Carl J. Megel.

I am the legislative director of the American Federation of Teachers, a national teachers' union of more than 250,000 classroom teachers affiliated with the AFL–CIO.

It is a privilege for me to appear before this subcommittee to present the views of the American Federation of Teachers in reference to legislation under consideration designed to aid school districts meet special problems incident to integration in elementary and secondary schools.

The American Federation of Teachers has a proud record in support of integrated education. The amicus curiae brief which we filed with the Supreme Court in 1954 was followed by an AFT convention resolution which required integration of all of our segregated locals, a directive which became an accomplished fact by the end of 1957.

Unfortunately, the rate of school integration has proceeded at a much slower pace. Accordingly, there is a legitimate and urgent need for a carefully defined Federal assistance program to aid school districts to complete school integration.

However, integration for the sake of integration alone is only a partial educational solution and becomes truly meaningful when accompanied by quality education. Therefore, our emphasis must be directed toward a goal of quality integrated education.

It is encouraging to note that there is concern in this regard by the Congress of the United States as evidenced by the introduction of specific bills now under consideration by this subcommittee. We refer to S. 195 cited as the "Emergency School Aid Act of 1971" and S. 683 cited as the "Quality Integated Education Act."

The 90th Congress considered an act cited as the "Emergency School Aid Act of 1970." In my testimony before this subcommittee at that time I stated that—

> We strongly urge that if the Congress should decide to enact this legislation that it should do so only after it has established and included strict guidelines, criteria, and allocations, and has reduced to a minimum the discretionary powers of the Secretary of Health, Education, and Welfare in order to avoid the legislation becoming a political grab bag.

Unfortunately, the time element prevented passage of this legislation. However, by conglomerating funds from a variety of Federal departments, the administration did receive an emergency appropriation of $75 million to be used in an emergency school aid integration program.

Unfortunately, adequate safeguards and guidelines were not established. As a result, the school districts which received assistance under the initial $75 million emergency school assistance program compiled a sorry record.

Last November, six civil rights groups—American Friends Service Committee, Delta Ministry of the National Council of Churches, Lawyers Committee for Civil Rights Under Law, Lawyers Constitutional Defense Committee, NAACP Legal Defense, and Educational Fund, Inc., and the Washington Research project—issued a carefully documented report based upon onsite visits to 295 districts receiving emergency school assistance program funds.

This report is entitled, "The Emergency School Assistance Program—An Evaluation." The complete report was published in the Congressional Record under date of December 29, 1970, beginning on page S. 2143.

This report states that 179 of the districts clearly were engaged in civil rights violations which should have rendered them ineligible for grants. In 87 other districts, the report finds sufficient evidence to question eligibility. Out of the 295 districts visited, the civil rights groups found only 29, where no evidence of illegal civil rights practices existed.

Moreover, the report found 13 clear cases of illegal assistance by public school districts to racially segregated private schools. In Gadsden County, Fla., for example, which received a grant of $133,000 the civil rights groups found two public school buildings were sold to segregated private schools and one of these buildings was sold at an apparent price of $10. In addition, they found that public school equipment and supplies were donated to private schools.

The February 22, 1971, issue of the Washington Daily News carried an article in which it stated that—

> Federal civil rights investigators charged today a rural Mississippi school district that had sold a public school building and land to a private academy received emergency Government school desegregation funds. The investigators said the incident was one of several violations found in their probe of the spending of $75 million in emergency funds made available last year to help school districts carry out desegregation programs.

Despite this report, we are not aware of HEW's termination of funds in this case, or other such cases under this appropriation.

Mr. Chairman, and members of this subcommittee, I state emphatically, that this practice must stop at once. It becomes an irreversible action. A school once sold cannot be retrieved. If universally continued, it would mean the termination of public education in America.

Referring again to the report, "Emergency School Assistance Program—An Evaluation," we find 94 clear instances of aid to districts which continue to maintain segregated classrooms. For example, in South Pike, Miss., which received an ESAP grant of $21,300, the report found that both black and white children attend grades 7 through 12 at the former Eva Gordon School. However, the classrooms in these grades, with few exceptions, were either all black or all white.

The report found 98 districts that had discriminatorily dismissed or demoted black teachers. In Newark County, Ga., which received a grant of $11,000, the report found out that a black principal—with 22 years' experience, a masters degree in administration, and postgraduate work in guidance and counseling—was demoted to "coprincipal" of an integrated high school and assigned chiefly to lunch and halls duties.

In addition to the 98 clear examples of discrimination against black faculty members, the report finds evidence of such practices in 123 additional districts—a total of 221 of the 295 districts which were visited.

We find this evidence of massive discrimination against black faculty members particularly disheartening. Many of these abuses are now beyond correction. Teachers must eat and they must support their families. Many teachers subjected to unfair treatment last fall, have had to accept employment elsewhere.

We are encouraged that the administration reports plans to set aside funds for retraining and job placement for these teachers. But this program cannot begin to compensate teachers who have lost employment through discriminatory practices, and they cannot compensate communities for the loss of an irreplaceable educational resource.

To further substantiate these discriminatory practices, I should like to place in the record a special report issued in December 1970 which was prepared by the Race Relations Information Center entitled, "Displacement of Black Teachers in the 11 Southern States."

Senator MONDALE. Without objection that will be placed in the record.

(The information referred to follows:)

SPECIAL REPORT

DISPLACEMENT OF BLACK TEACHERS IN THE ELEVEN SOUTHERN STATES

By Robert W. Hooker

race relations information center

RACE RELATIONS INFORMATION CENTER
Nashville, Tennessee 37212
December, 1970

Race Relations Information Center is a private, nonprofit organization that gathers and distributes information about race relations in the United States. The Center is the successor to Southern Education Reporting Service, an agency established in 1954 to provide accurate, unbiased information on race-related developments in education in the Southern and border states.

The Center's special reports are intended for use especially by newspapers, magazines, broadcasting stations and educational institutions. The reports are not copyrighted; republication, with credit to the source, is encouraged.

The Center maintains and continues the Southern Education Reporting Service library, which consists of items about race relations from newspapers and magazines throughout the nation, as well as reports, studies, surveys and pamphlets. Microfilm of the library's holdings, under the title "Facts on Film," has been acquired by about 100 public and university libraries.

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DISPLACEMENT OF BLACK TEACHERS IN THE ELEVEN SOUTHERN STATES

By

Robert W. Hooker

RACE RELATIONS INFORMATION CENTER
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December, 1970

RRIC-12

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* In Georgia, a black man who had been a principal for 25 years found himself teaching social studies and history to seventh graders.

* In South Carolina, a woman with nine years' experience scored 423 on the National Teacher Examination--two points below "B" certification. When new contracts were sent out to the teachers at her school last spring, hers was not renewed.

* In Alabama, a woman who had taught home economics for 23 years was transferred from an all-black to an "integrated" school and assigned to teach second grade. Five days after she signed her new contract, she was fired for "incompetence."

* In North Carolina, a man with a degree with 15 years' experience had taught shop classes in a renovated barracks building. When a new school was built and desegregated, a young white man with no experience was hired to teach shop, and the experienced black teacher was transferred to a less desirable post. He "became a little dissatisfied," and quit his job.

* In Virginia, a county school system that is 40 per cent black has a faculty that is 15 per cent black. This year the system hired 23 new teachers. All but one of them is white.

Hard evidence is elusive and personal opinions sometimes conflict, but the apparent effect of desegregation on black teachers across the South this year has been more negative than positive. Hundreds of them have been demoted, dismissed outright, denied new contracts or pressured into resigning, and the teachers hired to replace them include fewer and fewer blacks. Ironically, the Southern version of school integration appears to be reducing, rather than expanding, the professional opportunities of many hundreds of black teachers.

Statistics on the situation are virtually nonexistent. Most officials in state departments of education maintain that the problems are minimal, or nil, and superintendents and principals at the local level usually express a similar view. Many of the displaced teachers themselves are reluctant to discuss their predicament. Yet there is enough smoke arising from the testimony of some 250 persons contacted this fall by the Race Relations Information Center to suspect a big fire--a fire that is decimating the ranks of black classroom teachers and threatening black principals with extinction.

The RRIC survey of 11 Southern states, conducted largely by phone, reached white and black teachers and principals, teacher association executives, attorneys, civil rights and community leaders, state and federal officials, and journalists. None of them could offer definitive assessments backed up by extensive statistical evidence--the data of teacher displacement, given the transitory nature of the teaching profession and the reticence of school officials and teachers, is simply too elusive. Boyce S. Medlin, human relations specialist for the North Carolina Good Neighbor Council, aptly described the situation. "You can see the tracks," he said, "but you can't find the body."

Even without the bodies to prove how extensive displacement of black teachers is, several general conclusions emerge from the maze of scattered data, official and unofficial reports, individual opinions and outright guesses:

* The number of black teachers being hired to fill vacancies or new positions is declining in proportion to the number of whites hired. Nonhiring is a form of displacement as serious as dismissal and demotion.

* Displacement is more widespread in small towns and rural areas than in metropolitan centers; in sections with a medium-to-heavy concentration of black citizens than in predominantly white areas; and in the Deep South than in the Upper South.

* Demotion of black principals and teachers is more prevalent than outright dismissal.

Where displaced teachers go, nobody really knows. The older ones often go into involuntary early retirement. Younger teachers apparently migrate to other school systems to teach, or take jobs with industry or government. There are reports of some leaving the state, and the South, to teach in other parts of the country, but again, there are no statistics.

The irony of displacement is that it has followed compliance with federal laws designed to end discrimination. In the South in recent years, displacement of black professionals in the public schools has followed almost unfailingly in the wake of desegregation. In state after state, black educators' positions, pay and prestige have diminished with each newly desegregated school--legal decisions, the "equal protection" clause of the 14th Amendment, and HEW guidelines notwithstanding.

The pattern was set in the border states, which began desegregating shortly after the Supreme Court decisions of 1954 and 1955. By 1965, when a National Education Association (NEA) task force scrutinized the 17 Southern and border states for displacement, the closing of Negro schools and the firing of Negro teachers that had characterized parts of Kentucky, Missouri and Oklahoma in the 1950's was found in some counties of Arkansas, Texas, Tennessee and North Carolina.

Late in the decade, the trend reached the Deep South, where displacement was accelerated by the Supreme Court's October 1969 ruling that "all deliberate speed" is no longer constitutionally acceptable.

Invariably, the black principal has been desegregation's primary prey. Last spring a black high school in Louisiana was closed and its student body transferred to a unitary school. The black principal, who has two master's degrees and 20 years' experience as principal, was made "supervisor of testing" (later, "supervisor of guidance and textbooks") at the new school.

Three years ago, there were more than 620 black principals in North Carolina, according to E.B. Palmer, associate executive secretary of the North Carolina Association of Educators. Now, he said, there are less than 170. During about the same time period, Alabama's black principals declined from 250 to 40 or 50, according to Montgomery attorney Solomon S. Seay and Mobile attorney A.J. Cooper. Mississippi has lost more than 250 black principals in the last two years, according to C.J. Duckworth, executive secretary of the Mississippi Teachers Association.

Few black principals are fired outright, RRIC sources said. Some are "kicked upstairs" into the central administrative offices, where they become "assistant superintendents" or "federal coordinators." ("Assistant to the superintendent in charge of light bulbs and erasers," one black educator said indignantly.)

Some are reduced a notch--from, say, high school principal to elementary school principal. Some are put back into the classroom. Some keep their title, but have a white "supervisory principal." Some go into college teaching, and some simply retire.

The demise of the black principal has ominous implications for the South and its black community. As J.C. James pointed out this fall in the New Republic, the black principal was for years the linchpin of his community--the link between the white and black communities, the idol of ambitious young blacks, the recruiter and hirer of new black teachers.

"In black culture," said Dudley Flood, associate director of the Division of Human Relations in the North Carolina Department of Public Instruction, "the black principal was about as high on the totem pole as it was possible to be. They could affect more things in Negro people's lives than any other person."

The sacking of black principals, therefore, "really takes a toll--an immeasurable toll--on the morale of the black community," said Flood. The leader, the link, the recruiter and the symbol is gone.

Next to go in the process of displacement, RRIC sources reported, are black coaches, band directors and counselors. An NEA task force that visited 70 school districts in Mississippi and Louisiana in September found no district in which a black was head coach of a desegregated school.

The black head coaches in those districts evidently have met a fate similar to that of a black coach in Edgefield County, S.C. When the dual schools merged this fall, the black man was not made head football coach. Three whites reportedly were added to the coaching staff ahead of him, and he was made assistant to the B team coach--the sixth man in the hierarchy.

Overall, though, indications are that coaches and band directors have come through desegregation with fewer losses than principals.

At the level of classroom teacher, the displacement of blacks this year has been less overt and proportionately less severe than the displacement of principals and coaches, but it has been happening nonetheless. Statistics compiled by the Atlanta branch of the Office for Civil Rights (Health, Education and Welfare) on 108 districts in six Southern states--all voluntary-plan districts that completed desegregation this fall (and therefore were probably less inclined to displace teachers than the more recalcitrant districts)--show that there were 9,015 black teachers in 1968-69, 8,509 in 1969-70, and 8,092 this fall.

Between the autumns of 1968 and 1970, while the total number of all teachers in those districts rose by 615, the number of black teachers fell by 923. Between 1969 and 1970, the total number went up by 429, the blacks fell by 417. (Dewey Dodds, acting head of the branch office, said the figures should be taken only as approximations. Statistics for 1968 and 1969 were sent in by the school systems themselves. This year the Office for Civil Rights gathered the figures itself. However, Dodds said that, taken overall, the figures would probably render a fairly accurate picture.)

Some black teachers are being dismissed outright--fired or having their yearly contracts not renewed--but evidently the preponderance of the cases involves demotion, which can in turn lead to resignation and firings. As Birmingham attorney U.W. Clemon put it, "Most boards are sufficiently sophisticated to know not to turn a man out in the street. But they will do anything short of that."

Among the things school boards do are to relieve former department heads of their titles and demote high school teachers to junior high or elementary school classrooms. They place blacks in federally-funded programs, such as those under Title I of the Elementary and Secondary Education Act of 1964 (for the support of compensatory and enrichment programs for poor children)--and when the federal money runs low or is revoked, they release them.

They put black teachers in subjects out of their discipline, and when the English teacher has trouble teaching science, they fire her for "incompetence." They make blacks "co-teachers" with a domineering white, "teacher's aides" without responsibility, "floating teachers" without a classroom of their own, and sometimes even hall monitors without a classroom at all. Some of these teachers give up and resign. Some protest and are fired for insubordination.

And into the places of these demoted and dismissed blacks, more often than not, go whites--some with less education and experience than the teachers they are replacing.

It is, in fact, in the hiring of black teachers--rather than the firing--that the biggest catastrophe for blacks probably lies. In the 108 districts surveyed by the Atlanta Office for Civil Rights, 3,774 white teachers (77 per cent of the total leaving) and 1,133 black teachers (23 per cent) left their school systems this fall. Hired new to those systems were 4,453 whites (86 per cent) and 743 blacks (14 per cent). (In 1969-1970, 4,375 whites and 876 blacks were hired new to the system.)

Legal Defense Fund investigator Bob Valder visited some 50 districts this fall in Florida and North Carolina and reported, "I have seen virtually no district where there was hiring to keep the teacher ratio comparable to the student ratio or even the current teacher ratio. I would lay odds that it's happening in the rest of the South, too."

Despite the erosion in the ranks of experienced black teachers, however, the new Negro teacher in the South seems to be faring well on the job market this year. Only one of the nine predominantly black institutions contacted by the RRIC--Saint Augustine's College in Raleigh, N.C.--reported that its teacher-education graduates were having trouble finding jobs. And Dr. F.W. Jones of the Department of Education attributed it as much to the national teacher surplus and procedural changes in the college placement office as to the displacement situation. He estimated that about one-third of Saint Augustine's 75 teacher graduates this year are not teaching--"an appreciable drop"--but that many of those are now housewives or employed in other fields.

Some of the other schools had only estimates, and some had no figures at all. But deans and placement officers at Florida A & M, Texas Southern, Grambling (Louisiana), Winston-Salem State (North Carolina), Tennessee State, and Clark College (Georgia) said their graduates were having no unusual problems this year finding employment in teaching. Officials at Southern University (Louisiana) and Shaw University (North Carolina) said they had insufficient data on which to base statements.

Certain school systems are tough to crack and there is a surplus of teachers in certain disciplines, most of these officials said, but if a young black graduate is not too choosy, he can find a teaching job somewhere. "There is quite a widespread demand for our teachers, except in areas like history and English," said Hamlet E. Goore, director of placement at Winston-Salem State.

The displacement that buffets black teachers--and the national teacher surplus (in some disciplines) that confronts all teachers--may be dissuading some young blacks from going into teaching in the first place, however. Three of the nine institutions reported that the number of their teacher grads has declined in recent years, and five said that the percentage of their products actually going into teaching is down. Slight decreases in the number of graduates were reported by Tennessee State and Southern. Florida A & M's total of 104 grads for 1969-1970 was down from 146 in 1968-69 and 182 in 1967-68. Five of the schools said their totals were consistent with the recent past.

Officials at the five institutions whose teacher graduates are shying away from the education profession gave as reasons the new opportunities for young blacks in other fields and their distrust of Southern schools, as well as the teacher surplus. Industry, business, state and federal government, and graduate school are luring more and more blacks away from teaching, they said. Moreover, blacks are growing suspicious of the teaching profession and its predominantly white administrators. "The bigots," said Shaw's placement director, Frank B. Belk. "They're grinning and saying 'come on in' and closing the door at the same time."

The respondents in the RRIC survey also agreed that, by and large, young black teachers do not seem to be leaving the South in any great number. Recruiting by school systems, despite the teacher surplus, has increased recently, most said, and a few noted that metropolitan systems in the South were vigorously recruiting on their campuses.

The decline in hiring of black teachers apparently is more acute in rural areas and small towns than in metropolitan centers, but once again, substantiating facts are elusive. Many of the larger systems have to maintain court-imposed ratios on their faculties, RRIC sources reported, and they need teachers for their predominantly black schools. Consequently, they hired about as many black teachers this year as in the past.

The metro school system in Nashville hired more blacks than usual, according to Leon D. Bradley, director of personnel. The final figures have not been compiled, he told RRIC, but there has been "a substantial increase in the number of new black teachers in the last couple of years." Black teachers constitute about 22 per cent of the total in Nashville, he said, and the student population is about 25 per cent black.

A check with four other metropolitan systems revealed that their hiring of blacks held constant or fell off slightly this year. Richmond city schools employed 187 new blacks and 185 whites--the same ratio as in previous years, according to personnel director Rondle Edwards. (Fifty-two per cent of the teachers in the system are black.) The Dade County (Miami) public schools hired 214 (17 per cent of the total hired) this fall, as compared to 294 (21 per cent) a year ago and 183 (13 per cent) in 1968-69, according to administrative research associate Kenneth W. Hamersley.

In Chattanooga, the hiring of blacks apparently fell off somewhat this year. About 42 per cent of the teachers in the system are black, according to George W. James, director of professional personnel and recruitment. This year 85 whites and 43 blacks (34 per cent) were hired. In Charlotte-Mecklenburg County (N.C.), the percentage of blacks on the professional staff has held even at about 25 per cent over the last four years. The system hired proportionately fewer blacks than whites this year, said personnel director W.L. Anderson, because the turnover of black teachers is lower than whites'.

All five school systems said they are vigorously recruiting young blacks. Nashville will recruit at 43 predominantly black schools this year, as compared to 16 or 20 last year, according to Bradley. Twenty of the 45 colleges Chattanooga officials will visit this year are predominantly black, said James.

Away from the cities, it appears, black teachers are faring more poorly. Source after source told RRIC that, in their small-town or county school system, black teachers are being passed over. In those places, said Albert G. Tippitt, a former black principal who is now researching displacement for a dissertation at the University of Virginia, "there won't be any black replacements unless the black is Phi Beta Kappa. And how many Phi Beta Kappa's would want to locate in, say, Crossbone County?"

Statistics in the possession of Rims Barber, education director of the Delta Ministry in Mississippi, show that about 80 per cent of the teachers hired new to the system in 26 Mississippi districts this year were white. A year or two ago, said Barber, that percentage was 50 or 60 per cent. In De Soto County, Mississippi, for example, 72 whites were hired this year, as opposed to 6 blacks. In Jones County it was 58 and 1, and in Pascagoula, 99 and 5.

About 110 of the some 120 black teachers in Kinston, N.C., alarmed by the possibility of a similar trend there, have retained an attorney, Donald Pollock, to investigate. "They want to know why, in a school where black students are more than 50 per cent, black teachers are less than 30 per cent; why, in a county that is 40 per cent black, there are two blacks, and not three, on the school board (of seven)," said Pollock.

The demoting and the firing, like the decline in hiring, appears to be more of a rural phenomenon than an urban one. It is apparently most widespread in the Deep South states of Mississippi, Louisiana and Alabama and least prevalent in the Upper South states of Tennessee and Virginia. But in some cases, where blacks are represented on the school board or where white superintendents have shown a sensitivity to the problem, blacks have escaped a serious displacement situation.

In some states, it is possible to find a section that has the most problems; in others, it isn't. "The worst section in Alabama is all of Alabama," said Joe L. Reed, associate executive secretary of the Alabama Education Association (and onetime executive secretary of the former black teachers group). Neighboring towns often don't behave similarly. "You can have two communities twenty miles apart," said Gillespie Wilson, NAACP president in Texas. "One will retain 60 to 65 per cent of its black teachers, the other only 10 per cent."

Cities like Mobile, Charleston, Houston and New Orleans still have predominantly black schools, and that, said Miss Winifred Green of the American Friends Service Committee in Atlanta, is why black teachers' ranks there have not been depleted. Court-imposed teacher ratios and the scrutiny of federal officials, other sources said, have held down displacement somewhat in urban areas. "They can get rid of only so many black teachers and still have enough (for the ratio)," said Mobile attorney A.J. Cooper.

When a black teacher is dismissed, it is generally for one of several reasons. In some systems, the average daily attendance (ADA) of students is a criterion for setting the size of the faculty. Thus, when white students leave the public schools for private academies (or simply drop out of school), the victim of the ensuing faculty reduction usually is the black teacher.

In some cases, white teachers are abandoning the public schools, too, and their departure--coupled with an apparent misapplication of a recent court decision concerning faculty ratios--is also costing black teachers their jobs. The Singleton decree of the U.S. Fifth Circuit Court of Appeals stipulates that when teachers are dismissed due to desegregation, subsequent vacancies cannot be filled by a person of another race until all displaced teachers have had the opportunity to fill them. The decree doesn't speak to vacancies created by voluntary resignations, but nonetheless, in some places it is being applied when whites resign. Thus blacks are fired and new whites hired in order to maintain the old faculty ratio.

Another tactic that is being used against black teachers--apparently with increasing frequency--is the standardized test, particularly the National Teacher Examinations (NTE) of the Educational Testing Service (ETS) in Princeton, N.J. Three states have made it a requirement for all teachers. North Carolina requires a certain minimum score before teachers can be certified. In South Carolina, a teacher's level of certification and salary depends in part on her NTE score. In Texas, the test is also a statewide requirement for certification, but a minimum score is required in only a few systems.

The NTE is also required for some or all teaching positions in at least a few school systems in the other Southern states, and is encouraged in other systems. ETS estimates that about 40 per cent of the test's use in the United States is in the Southeast.

The NTE is designed to measure academic preparation for teaching in three areas (general education, professional education, and teaching area specialization), according to ETS, which has contended that, when used in conjunction with other measures of a teacher's qualifications (transcripts, references, interview, observation), the NTE can be a valid way of determining certification.

However, the test's critics--among them the NEA and most black educators--maintain that, in many places in the South, the test is being used to weed out blacks. There are reports from several counties in South Carolina, Mississippi, and Louisiana that black teachers allegedly were dismissed for failing to make a certain score. Another South Carolina town, Clover, reportedly began releasing blacks with less than "A" certificates (the certificate level is contingent on NTE scores) in 1967, and replacing them with whites.

Many black teachers, and some whites, object to taking the NTE. "There's something crooked about it," said H.B. Seets, a Caswell County, N.C., teacher. Last year most of the 36 black teachers at a high school in Butler, Ga., refused to take the NTE, and their contracts were not renewed.

Florida began requiring a certain score on NTE (or one of two other tests) in 1961, but revoked the requirement several years later, reportedly because many whites were scoring poorly on it. An NEA task force found at least two Louisiana districts which had tried the test and then abandoned it when whites scored low.

Dr. Richard Majetic, NTE program director for ETS, agrees that the NTE can be abused. "You can build the best test available," he said, "but if there's malice in somebody's heart, it can be used to eliminate blacks." Educational Testing Service representatives have appeared in court in Mississippi and Louisiana against school systems which have misused the test, he said.

To date, however, the NTE has been involved in only a few court cases, and its use, and the use of other standard tests, according to the NEA, has been growing in the South. NEA-supported litigation successfully challenged use of the NTE in Columbus, Miss., and a similar suit has been filed in Okolona, Miss., with the support of Northern Mississippi Rural Legal Service.

Critics of NTE contend that it cannot measure a teacher's classroom performance and that it is stacked against blacks, many of whom did not share the middle-class, white orientation upon which the test was supposedly built. "There are hundreds of items on that test that have nothing to do with a teacher's ability to teach," said Harold Trigg, a black member of the North Carolina State Board of Education and long-time foe of NTE. "It has prevented people with lots of ability from entering the profession."

Another common justification for displacement of blacks is their "incompetence" or "inadequate training." White school boards, indifferent about the quality of black teachers they hired during the days of dual schools, are now looking at their employees again and judging some of them unqualified for desegregated schools. The competence of whites to teach in a biracial setting rarely is questioned

Most black educators bristle with resentment at the suggestion that black teachers, as a group, are less qualified than whites. "If I had a degree from the Sorbonne," said Dr. Albert Baxter, associate professor at Arkansas A M & N University, "my education would be 'inferior' because I am black." North Carolina has had 19 court cases involving black teachers in the last five years, nearly all of them including a charge of incompetence, said the NCAE's E.B. Palmer. "We lost only one (case)--which says to me that the charge is not valid. I would take issue with anyone who says black teachers as a group are more incompetent than whites."

Nevertheless, many blacks are being dismissed for just that reason, valid or not. "We were lax about the quality of our black teachers before desegregation," said John Mize, director of the Division of Administrative Leadership Services in the Georgia State Department of Education. "Now we are paying the price and having to clean house, which is why more blacks have been fired in the last 12 months. We brought it on ourselves; it's an indictment against us."

Retraining is the solution that many, including officials in the U.S. Office of Education, are suggesting. To many blacks, that kind of thinking is merely swallowing whole the justification for discrimination advanced by some Southern school boards

"You have some poor black teachers and some poor white teachers," said the Alabama Education Association's Joe L. Reed. "There are poor lawyers and there are poor doctors and there are poor officials in the Office of Education. Every teacher needs to improve, but I don't think retraining will solve the problem (of displacement)."

Some sources think retraining is a good idea, however. "There is a moral responsibility here," said Hugh Ingram, administrator of the Professional Practices Council of the Florida State Department of Education. "If these people can become good teachers, this society should give them a chance."

Incompetency is not nearly as widespread as state departments of education and superintendents claim, said the American Friends Service Committee's Winifred Green. "My feeling is--that school system employed that teacher as qualified, and now it can't fire that teacher. If she was qualified for blacks, then she is qualified for whites. If you change your qualifications, then it's your responsibility to see that that teacher is brought up to them. It's the responsibility of that board to pay for any retraining."

When black teachers are dismissed or demoted, there is not much they can do. Six of the 11 Southern states have tenure laws, or their equivalent--which generally provide that, after a three-year probationary period, a tenured teacher cannot be dismissed without certain procedural steps, incuding formal notice, statement of cause, and a hearing before the board. Arkansas has a fair dismissal law, which is slightly weaker, and North Carolina a continuing contract law, which requires only that a teacher be formally notified if she is to be released. Two states, Mississippi and South Carolina, operate on an annual contract basis, and Georgia has tenure in three counties.

Yet a tenure law is only as effective as its administrators are faithful in following it, and most sources agreed that, with the possible exception of Tennessee, tenure in the South is a pretty weak reed.

Black teachers lost an ally when, in nine of the states, the black teacher associations merged with their white counterparts. (In Mississippi and Louisiana, where the white groups were expelled from the NEA, the former black groups are the official NEA affiliates.) In all nine states, the black group's top executive was made an "associate" or "assistant" to a white man in the merged group, which invariably has lacked the old willingness to fight for black teachers. Grumbling about the merged groups is heard from blacks in practically every state.

There also seems to be a credibility gap--if not a chasm--between black teachers and various arms of the federal government. "The Justice Department-you contact one office and they refer you to another," said Fred Idom, a Marion County, Miss., teacher who was dismissed last spring.

Another Mississippi teacher who was denied a renewal last spring, Don Jennings of Meridian, said "I've contacted Senators Kennedy, Mondale and Brooks and got nothing. I wrote Atty. Gen. Mitchell and he contacted the local FBI man. That man told me he'd contacted school officials before he contacted me and that he held the principal and a local preacher responsible for the trouble (a walkout at one of the schools) and that he didn't believe in demonstrations After all that, he told me he had an open mind. That's when I gave up on the government."

"Down here," said Monroe, La., attorney Paul Kidd, "the Justice Department's a joke, the FBI's a joke, and HEW's a joke. HEW comes down and says, 'man, that's terrible,' and then they go back to Washington and don't do a damn thing about it."

The courts have been an effective recourse for a few black teachers, but that route can be a long and expensive one and there is still a dearth of black lawyers and white lawyers willing to take such cases. Many teachers who have won reinstatement have not gone back.

Feeble as the recourses are, however, they would be more effective were it not for the timidity and conservatism of many black teachers. Monitors in South Carolina found that many teachers got their jobs back merely by making threatening references to a law suit, according to Hayes Mizell of the South Carolina American Friends Service Committee. The same happenstance in other parts of the South was reported by Dr. John W. Davis, special director of teacher information and security with the Legal Defense Fund in New York City.

But black teachers usually hang back. If they have been demoted, they fear the loss of their job. If they have been dismissed, they fear being put on the "black list," that unwritten understanding among white superintendents not to recommend "trouble-makers" to one another. They fear for their families' physical safety, and they fear the power of the white creditor.

"As a rule, 95 per cent of the teachers never do anything," said Louis R. Lucas, a Memphis attorney who handles LDF and NAACP cases. Getting teachers to complain, added Rims Barber of the Delta Ministry, "is like pulling teeth." "We hear about a case and go down there to investigate, and the brother just evaporates," said Gillespie Wilson, NAACP president in Texas.

Because teachers don't report displacement, it's doubly hard to measure, said Dr. Vernon McDaniel, executive director of the Commission on Democracy in Education in Dallas. "If you get 10 complaints," he said, "you can multiply that by 10."

There seems no way to tell if black teachers' displacement problems will multiply. For most of them, ironically, desegregation has not been a happy process. Some RRIC sources, of course, pointed to favorable aspects of desegregation--improved facilities, enhanced opportunities (in some cases)--but many black teachers and several black officials in the teacher associations spoke bitterly.

Dr. Horace E. Tate of the Georgia Association of Educators and Joe L. Reed of the Alabama group have started calling "integration" by another name--"outegration." J.K. Haynes of the Louisiana Education Association called it "a farce as far as teachers are concerned. Nobody ever dreamed that man's inhumanity to man would manifest itself to this extent."

The price of desegregation often has been the pay or the prestige or the position of the black teacher. What J.C. James called in the New Republic "the greatest single reservoir of talent and skills so necessary to the changing South" is clearly in danger of marked depletion, if not eventual extinction. And that, for the desegregating South and its black community, may be the cruelest irony of all.

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Following are more detailed reports from each of the 11 states.

ALABAMA

One - third of the estimated 10,500 black teachers in the state have been dismissed, demoted or pressured into resigning this year, according to two attorneys who handle Legal Defense Fund cases, A.J. Cooper of Mobile and U.W. Clemon of Birmingham. Rufus Huffman, field director of the NAACP Education Center in Tuskegee, estimates that at least 20 per cent of the teachers have been dismissed since last spring.

A private black group, the Alabama League for the Advancement of Education, has been conducting a system-by-system survey of principal and teacher displacement this fall. But according to chairman Joe L. Reed, who is also associate executive secretary of the Alabama Education Association, the group will not report its findings until late November or December. The survey, he said, found "many, many dismissals and many, many demotions."

About the only sources who said that displacement is not a statewide problem were in the Intercultural Center for Southern Alabama, a federally funded program at the University of South Alabama in Mobile. Director David Bjork and associates William Nallia and Rod A. Taylor said they were not aware of much displacement. "In fact," said Nallia, "I couldn't pinpoint more than two or three cases."

Just about everybody else outlined a bleak statewide picture. "It's awful, awful critical," said Solomon S. Seay, a Montgomery attorney who handles teacher cases. "Alarmingly high," added K.L. Buford, state field director of the NAACP. "There has been quite a large number displaced."

Blacks' employment prospects aren't good either, most sources said. "The trend for 1970-71," said Seay, "is that lots of systems just aren't hiring new blacks." The Intercultural Center's Nallia felt that "generally, blacks' prospects are pretty good," but his colleague, Taylor, who is black, noted that a number of blacks couldn't find jobs this year in Mobile and Huntsville.

Dismissals apparently are not occurring in the state's metropolitan centers, RRIC sources reported. But in Mobile, for example, attorney Cooper said that black teachers have been relieved of their positions as department heads, assigned out of their field and placed in schools far away from their homes. Some black women, he said, have not been rehired after taking medical leaves.

"Mass demotions" have been reported to the NAACP Education Center, according to Huffman. In some counties, said field director Buford, black teachers reportedly were working without contracts, and in other counties blacks were not issued contracts until two weeks before school began this fall. Attorney Seay's office has filed suits in some 15 teacher cases.

There has been a statewide tenure law in Alabama for years, but even though special--and weaker--local acts in eight counties were ruled unconstitutional recently, some don't place much faith in the law. ("It's not very good," said attorney Seay.) The National Teacher Examination is required in three school systems.

Legal Defense Fund monitors in the state reported that four black teachers were fired and two asked to resign in Muscle Shoals. Another, said the LDF, was fired in Lauderdale County. In Barbour County last spring, letters were sent to about 40 teachers--all but one black--informing them that because of a desegregation mandate, their jobs could not be guaranteed. About 15 teachers challenged it, according to NAACP reports, and were re-employed.

ARKANSAS

Two or three years ago, dismissals and resignations of black teachers were legion, RRIC sources reported. And this year, too, the thinning ranks of the state's black teachers have apparently been riddled by displacement. The survey turned up no comprehensive statistics, however.

A recent dissertation at the University of Arkansas by Dr. Albert Baxter (now associate professor of education at Arkansas A M & N College) documents the displacement of black teachers in 62 of the state's 382 districts during the single year in which each district desegregated. "In most instances," said Dr. Baxter, "almost all black teachers were gotten rid of." He counted 212 teachers and principals who were fired or persuaded to leave.

Since 1968 (the last year covered in his study), Baxter said, it appears that black teachers are being retained, though demotions have remained widespread. A spokesman in the State Department of Education agreed. "There is a trend statewide to maintain present staffs to some degree," he said. "It is difficult to show what is actually taking place in regard to black teachers unless you compare the number of teachers with normal staffing which existed three or four years ago." At least seven districts in one part of the state had few or no blacks on the staff, he said.

Other sources, though, maintain that dismissals have continued. The Voter Education Project of the Arkansas Council on Human Relations has compiled a partial list with the names of 27 dismissed teachers. Legal Defense Fund representatives, monitoring in 68 districts of the state this fall, found at least 33 cases of teachers who had been fired or whose contracts had not been renewed. "Almost every district has something," said Little Rock attorney John Walker, who handles many LDF cases.

L.C. Bates, state field director of the NAACP, was an exception to most RRIC sources. "There have been a few cases," he said, "but nothing alarming. It is not critical."

The attrition rate was high in the districts monitored by the LDF--four not rehired in Barton, seven fired in Marianna, "many demotions and many firings" in Forrest City. None were fired in Magnolia, but a number quit. Black teachers in that district were reportedly "scared to death and are isolated by white teachers," and many were demoted. In at least two districts, the LDF found, only black teachers were assigned to Title I programs.

When two black teachers assigned to Title I were dismissed in October by the Wabbaseka school system due to insufficient federal funds, students in their school (all-black) staged a walkout. Twenty-five black faculty and staff members in the system have filed suit against the district, charging discrimination against blacks in terms of pay and other conditions of employment.

Blacks' employment prospects in the state, most sources agreed, are poor--especially when compared to whites' opportunities. There was also a feeling--again, undocumented--that the largest concentration of displacement was occurring in the predominantly black districts along the Delta.

The National Teacher Exam is required in only two systems (Little Rock and Pine Bluff). A new fair dismissal law went into effect in the state this summer, replacing a continuing contract arrangement. Whereas before, under continuing contract, a teacher's contract could be ended merely by notifying her by mail at the end of the school year, now she must be told why she is being released. Although the law lacks some of the procedural provisions of a tenure law, said Mrs. Annie M. Abrams of the Arkansas Education Association, "it definitely will help black teachers."

FLORIDA

More than 1,000 dismissals, widespread demotions, and a decline in the overall number of black teachers have been consequences of desegregation in the state during the last three years, according to the Florida Education Association. And yet, until the FEA issued a report this month documenting the state's dismal displacement situation, many persons seemingly in a position to know about it apparently did not.

"There really haven't been but a few cases of displacement over the last five years," said Dan Cunningham, director of the Technical Assistance Program in the State Department of Education. "The state's growing like crazy, and sometimes superintendents even have to go with incompetent teachers they'd probably like to get rid of." Gordon Foster, director of the Title IV, Florida School Desegregation Consulting Center, said he hasn't heard of much displacement. And Wendell Holmes, a black member of the school board in Jacksonville, said displacement is not occurring "to any great extend." All three men were contacted by the RRIC before the FEA report was released.

RRIC got virtually the same assessment--again, before the FEA report--from attorneys in three cities--Fort Lauderdale, Orlando and St. Petersburg. A fourth attorney, Earl Johnson in Jacksonville, said he knew of a half-dozen cases of displacement, but only Theodore Bowers, a Panama City lawyer, had knowledge of widespread discrimination (about 10 outright dismissals and "substantial" demotions in a seven-county area, he said).

The FEA's report, written by executive secretary Wally Johnson, found displacement in 42 of the state's 67 counties, 37 of them showing declines in the number of black teachers and 22 showing a drop in black administrators. Eight counties did not have a single black principal or assistant principal in 1969-70. The counties with the greatest loss in the number of black teachers were: Palm Beach (252), Escambia (86), Broward (80), Hillsborough (75), Polk (70), Gadsden (53), Volusia (33), Leon (32) and Lake (28). Those counties are scattered all over the state.

Many of the teachers, wrote Johnson, "left voluntarily, others have been pushed aside, while the only constant besides change has turned out to be racism."

The state has a tenure law, and special local tenure laws govern certain counties. A statewide requirement to take the NTE was abolished in 1967, but it is still required in Dade County (Miami).

Demotions of black teachers have been legion, too, according to other sources. FEA assistant executive secretary Walter Smith, who has traveled extensively in the state this fall, reported that head coaches, department heads and leaders of teaching teams are rarely black any more. "We have not had a single black that I know of who was head coach and then was transferred to the new (desegregated) school as head coach," he said. Many black teachers now "just babysit," said Marvin Davies, field director of the state NAACP. "They stand watch in the halls or in the cafeteria, and they watch the kids get on and off the buses."

The overall decline of black teachers detailed by the FEA report is made "still more startling" by the fact that, over the last three years, the total number of teachers in the state has risen by 7,500, wrote the FEA's Johnson. For every 22 new black pupils to enter Florida schools in the past three years, he said, one black has disappeared.

GEORGIA

In Georgia, it depends on whom you ask. Officials in the State Department of Education maintain that displacement is not a problem. Black officials of the Georgia Association of Educators and others insist that it is. There are, unfortunately, no substantiating statistics from either group. A black organization, the Teachers Agency of Georgia, Inc. (TAG), says it intends to release a report on teacher displacement soon.

In May 1969, a survey conducted by the (black) Georgia Teachers and Education Association (GTEA) in 30 north Georgia systems indicated that, since 1963-64, the number of black teachers had declined by 27 per cent and the number of black principals by 56 per cent. (A subsequent survey of 30 systems last April revealed that while black students constituted 51 per cent of the total enrollment, blacks comprised only 40 per cent of the teachers.)

This year, said State Department officials, there has been little displacement. "There might be a few cases," said Wilson M. Harry, coordinator of federal relations, "but I don't know of them."

"If you say someone has been fired because he's black," said John Mize, director of the Division of Administrative Leadership Services, "I would doubt it very seriously. We have a real fear of firing blacks. Fire a white, and the federal government doesn't come down here."

Dr. Morrill M. Hall, director of the School Desegregation Education Center in Athens, said he has been "pleasantly surprised" this fall. "Most superintendents and boards have bent over backwards to see that Negro teachers are not displaced."

The general impression of Lynn R. Westergaard, education director of the Atlanta Urban League, and Dr. William H. Denton, associate professor of education at Atlanta University, however, is that the problem is widespread.

There are about 11,000 black teachers in Georgia, according to Dr. Horace

E. Tate, associate executive secretary of the Georgia Association of Educators (GAE) and former executive secretary of the GTEA. Six years ago, there were 14,000. During that period, he said, some school systems have lost as many as 50 black teachers.

This year alone, probably 20 per cent of the state's black teachers have been affected by dismissal or demotion, in the estimation of Dr. Robert Threatt, professor of education at Fort Valley State College and president of the GAE.

The contracts of 11 black teachers were not renewed last spring in Baker County, according to reports in the files of the DuShane Emergency Fund of the NEA. Some were subsequently rehired. Two have taken the matter to court. In Taylor County, 22 teachers reportedly refused to take the National Teacher Exam and were not given new contracts. Other DuShane Fund reports list three principals and a coach demoted in Harris County, and one or two teachers whose contracts were not renewed in Calhoun.

In Randolph County, the superintendent required most of the teachers at a small black school in Shellman to teach in a summer enrichment program--at half salary--so that he could "observe" them, ascertain their level of competence, and decide whether to hire them for the unitary school in Cuthbert. Only a handful of the 16 blacks went along. One who wouldn't was not rehired. Some changed jobs. The principal at the black school is now teaching seventh-grade social studies and history at the unitary school--at $80 less per month.

Those who said displacement is a problem usually fingered north Georgia as the state's trouble spot. "Teachers are being lost all across north Georgia," Tate said.

In Atlanta, few blacks have been displaced, according to the Urban League's Westergaard, but because a federal court ordered the city to distribute teachers in each school on a ratio of 57 per cent black and 43 per cent white, the school board had to hire some 300 whites before hiring any blacks. About

300 whites left the system before the teacher transfer began.

RRIC sources were divided in assessing employment prospects for blacks. The ones who saw a displacement problem also saw difficulty for young blacks seeking teaching jobs. Others said there was a demand for black teachers.

"Next year every Negro who wants a job and is halfway competent will be in demand," said Hall.

De Kalb, Fulton and Richmond counties have tenure rules, but in the rest of the state teachers have neither tenure nor continuing contracts. The National Teacher Examination is required in three systems; statewide all teachers seeking state scholarships or certain high certificates must take it.

LOUISIANA

"Desperately serious problems" stemming from desegregation, including wholesale displacements, were discovered in Louisiana and Mississippi early this fall by a task force from NEA. J.K. Haynes, executive secretary of the Louisiana Education Association, estimates that more than 400 black teachers in his state have been affected in the last two years; staff attorney Stanley Halpin of the Lawyers Constitutional Defense Committee in New Orleans says at least that many have been affected this year alone.

Full desegregation in practically all of Louisiana's 66 school districts did not begin until September 1969 or later. One of the results--"hundreds of displacements"--was partially documented in February by another NEA task force, which found that black teachers were being put in remedial classes that were all black or predominantly black, were being steered away from language arts classes, and were being departmentalized even at the elementary level (presumably so that a white child would not be with a black teacher all day).

The wide extent of displacement may account in part for the lack of statewide statistics. "I suppose there's not a parish in north Louisiana that hasn't gotten rid of four black teachers," said Monroe attorney Paul Kidd. "There is a very significant problem," added Halpin. "It's happening everywhere."

The exodus of many white students and teachers to the private academies--with the resulting drop in average daily attendance and an apparent misapplication of the Singleton decree--is causing blacks to be dismissed. And here, too, the trend seems to be away from hiring new blacks.

In St. Martin Parish this year, about 90 new teachers were employed. Only 14 of them were black, a considerably lower percentage than in previous years. A spokesman there said the employment situation was worse in nearby parishes. Lafourche Parish had a net gain of four black teachers and 263 white teachers between 1965 and 1969, according to NEA. Candidates with master's degrees reportedly were being rejected there. Forty-six whites and no blacks were added to the Monroe city system this year, according to attorney Kidd. "Inside of four years, I doubt there'll be 10 per cent of our black teachers still left in the state," he said.

A well-publicized displacement case in the state occurred last spring in Concordia Parish, where 19 teachers, three principals and a white teacher considered "too liberal" were not rehired. A federal court ordered them reinstated, however, and the decision is now on appeal to the Fifth Circuit. There were a considerable number of nonrenewals elsewhere, too, according to DuShane Emergency Fund reports--12 in Tangipahoa Parish, two in Monroe City, and one each in St. Mary, Webster and Lafayette parishes. In Richland Parish 20 blacks and three whites were not rehired because they had failed to improve in "personal characteristics for teaching." Thirty-seven whites and six blacks were hired this fall to replace them, according to the NEA. There is a statewide tenure law in Louisiana; the National Teacher Exam is used in nine systems.

Five black teachers were dismissed outright and many others demoted in East Feliciana Parish, according to attorney Halpin. Blacks there also are being eliminated from positions of authority, he said. Several teachers in Livingston Parish reportedly got letters saying their services were no longer required, but later most of them were reinstated. In St. James Parish, a black man with a master's degree and 25 years' tenure with the district was demoted from the principalship of a formerly all-black school to "assistant visiting teacher."

Widespread frustration among teachers of both races is being reported this fall in New Orleans, where some teachers have been transferred to achieve at least a 25-75 ratio on all school faculties (at least 25 per cent black teachers at predominantly white schools and vice-versa). An evaluation team of the American Federation of Teachers reported that blacks pulled from predominantly black schools to fill the quotas at white schools have not been replaced by white teachers of equal ability.

MISSISSIPPI

An NEA task force that toured the state early this year called Mississippi the "focal point of massive trouble" in Southern school desegregation. On the specific issue of discrimination against black teachers, the NEA description seems to fit.

A thousand of them were out of work as late as August, according to C.J. Duckworth, executive secretary of the (black) Mississippi Teachers Association (MTA). He says about 700 of those eventually found teaching jobs. Like all other sources contacted by RRIC, Duckworth's organization has no definitive statistics on the teacher displacement problem. The Educational Resource Center of Mississippi, an agency formed jointly by MTA, the Delta Ministry, the NAACP and others to monitor the desegregation process, estimates that 130 black teachers now are out of work. The NEA's DuShane Fund office in Washington has the names of more than 80 teachers who were dismissed or failed to have their contracts renewed. Rims Barber, education director of the Delta Ministry, says there are "roughly a thousand" jobless black teachers. An official in the Mississippi State Department of Education approached the question with an apparent assumption that discrimination against black teachers is no problem at all.

Employment prospects for blacks are no better than fair to poor, most sources agreed. Moreover, they reported that demotions probably outstrip dismissals. Black department heads, they said, are almost nonexistent, and a common demotion practice is to relegate classroom teachers to the role of teacher aides. It was reported that blacks who were ordered rehired by the courts are being assigned to hall duty and study halls rather than to their old classrooms.

At the highest levels of the public education establishment in Mississippi, officials paint an entirely different picture. "I don't know of any teacher who has been displaced," said John O. Ethridge, information advisory officer in the State Department of Education.

There is neither tenure nor continuing contract legislation to protect teachers in Mississippi; hiring is generally on an annual basis (state law provides that a teacher may be hired for up to three years). The National Teacher Exam is not a statewide criterion, but critics insist that it has been used to justify dismissals in the nine systems where it is required.

The flight of white students and teachers to private schools, ironically, has been damaging to black teachers in Mississippi. The decline in average daily attendance--in some districts, a criterion for the number of teachers employed--offers white educators who remain in charge of the public schools an excuse for dismissing teachers. The decline in white teachers allegedly is being used--in an apparent misapplication of a federal appeals court ruling--to justify the firing of more blacks and the hiring of more whites in order to maintain a ratio favorable to the whites.

The DuShane Fund's files identify a number of school systems where black teachers' contracts were not renewed for this school year: nine in Attala County, "at least" 12 in Rankin, seven in Franklin County, some 20 in Madison, "several" in Pontotoc, Hinds County and Columbus, and one each in Humphreys, Neshoba and Meridian.

In another county, Marion, up to 19 teachers were reported dismissed from the county schools--including Fred Idom, the president of the county teachers' association, a political activist. Another six teachers were reported dismissed from the Columbia city system.

NORTH CAROLINA

Eighty-nine black teachers were dismissed last spring, according to reports received by the North Carolina Association of Educators (NCAE). Charlotte attorney Julius Chambers, who handles teachers cases for the NAACP Legal Defense Fund, has counted 105 teachers who have been dismissed outright or pressured into resigning. LDF investigator Bob Valder says there have been "wholesale" demotions and assignments out of field.

The State Department of Public Instruction maintains that it has no statistics, but three spokesmen acknowledged that there is a problem. "There is an assumption," said Asst. Supt. James Burch, "that it is going on in subtle, devious ways."

Title I coordinator Harold Webb said he personally has heard of little classroom teacher displacement ("there's more at the administrative level"), but added, "there is a feeling among the general black population that it is going on."

[illegible], overt dismissals and demotions have affected up to 12 or 14 per cent of the state's black teachers, in the estimation of the State Department's associate director in the Division of Human Relations, Dudley Flood. Pressured resignations have been even more widespread than that, he said: "We have had cases of principals telling a teacher, 'come back and we'll give you hell.'"

Displacement is more prevalent east of Raleigh, in the traditionally conservative, coastal-plain portion of the state where there are few sizable towns and proportionately more blacks.

In Bertie County, some 20 teachers reportedly were dismissed at the end of the 1969-70 school year. Brunswick County is said to have had five dismissals; Lenoir County, 11. In Wilson, a black teacher told the NCAE she was fired because she spoke harshly to a white colleague and made her cry.

In Johnston County, a black man who formed an Afro-American club at his school and criticized school policies was demoted from high school English to the sixth and seventh grade. Then his contract was not renewed. The teacher, who had an "A" certification and was a city councilman, is now a career counselor at Shaw University in Raleigh.

Many desegregated schools in the state are hiring only a few blacks, according to the NCAE. Only six of the 54 new teachers hired this fall in Rocky Mount, and only three of the more than 40 hired in Washington, are black. That pattern, contended associate executive secretary E.B. Palmer (executive secretary of the former black teachers group), "is true all over the state."

Nonetheless, there is a feeling among RRIC sources that the opportunities for young black teachers are not totally bleak. Most seem to feel that blacks' prospects are still generally good. "If a student makes a substantial score on the National Teacher Examination," said Frank B. Belk, director of placement at Shaw University, "then he should have no trouble finding a job in an urban area."

Yet all sources concede that whites' prospects are probably better. "If

You put a white and a black side by side," said the State Department's James Burch, "the white will be the one hired."

North Carolina is one of only two Southern states that require teachers to achieve a certain minimum score on the National Teacher Examination before they can be certified. (A teacher's salary and level of certification are based on her educational background and experience.) Only one other weapon--the white principal's power to declare a teacher incompetent--accounts for more black dismissals than the NTE, according to Palmer. Teachers have been required to take the NTE for about 10 years, but it was not made a prerequisite for certification until five years ago.

The state has never had a tenure law. All that stands between a teacher and the loss of her contract is a rather feeble continuing contract law which merely requires a school administration to formally notify a teacher in the spring if her contract will not be renewed. Otherwise, the teacher's contract is renewed automatically for the next school year. "The law," said attorney Chambers, "is really no protection at all."

SOUTH CAROLINA

The American Friends Service Committee, which conducted a teachers' rights center in the state last summer to help black educators, estimates that, in two-thirds of South Carolina's 93 districts, the contracts of about 50 or 60 teachers were not renewed. Six black principals were fired outright, acccording to AFSC director M. Hayes Mizell, and more than 80 others were demoted.

Thirty-seven black teachers brought complaints to the AFSC this summer, Mizell said, and the 24 cases which were investigated revealed that nine blacks had lost their jobs when their schools were closed, 11 had not had their contracts renewed, three had been demoted and one dismissed.

Others in the state said they could only generalize about the displacement situation there. Matthew J. Perry, a Columbia attorney who is handling several teacher cases now, called the situation "not critical, but a problem of concern." Another attorney there, Loughlin McDonald, called it "fairly widespread." However, Dr. Larry H. Winecoff, director of the South Carolina School Desegregation Consultant Center, said he "really hadn't heard of a lot," and director Joe Durham of the Technical Assistance Unit of the State Department of Education, said, "Pretty generally, competent black teachers and administrators have been retained."

Judging from RRIC sources' assessments, there seems to be no particular trouble spot in the state. Although Charleston was variously reported as having between six and 15 displaced teachers, it was the only city in the state said to have a problem.

The National Teacher Exam, which is required statewide as one of the criteria for certification and salary level, led to dismissals in at least three cases. According to NEA DuShane Fund reports, several teachers in Allendale County allegedly were not rehired because of low NTE scores. (Eventually they were allowed to teach another year.) Two more teachers in Berkeley County were not renewed for the same reason.

Four women, all with college degrees and two with almost 30 years' experience each, were not renewed this fall in Chesterfield County because of low NTE scores. One of them, Mrs. Marian Funderburk, said that last spring the superintendent indicated on her application for a summer school grant that she would be employed again this fall. Reminded of that later, Mrs. Funderburk said, the superintendent told her, "That was just a little of piece of paper, Mrs. Funderburk. It didn't mean a darn thing."

In Edgefield County, there were several teachers who did not receive new contracts originally. Five finally got them, but one--a 62-year-old woman with 43 years' experience--never did. The state has no tenure law. Contracts can be offered on either an annual or long-term basis.

The dip in hiring of blacks is occurring in South Carolina, too, according to Mizell, W.E. Solomon of the South Carolina Education Association, and others. "It is a problem to be on the lookout for--after desegregation, blacks just aren't getting hired," said Mizell.

In a district in Lexington County, more than 100 whites and less than 10 blacks reportedly were hired during the past two years. There were reports also that in a district in Greenwood County (which became a unitary system last year), there were 20 blacks at the elementary level before 1968. Now there are five.

"School systems are only doing a minimum of what they have to do," said John Gadsden, executive director of Penn Community Services in Frogmore. "There is a fear on the part of teachers over the next stage, when school systems get bolder."

TENNESSEE

The state's displacement pattern seems to corroborate the old saw that west Tennessee is a part of the Deep South. Except in a handful of counties in the west, the state's black teachers seem to have escaped extensive dismissal and demotion.

No statewide statistics are available. Here and there in the middle and eastern portions of the state, rumors of displacement can be heard--three teachers allegedly were dismissed in Hamilton County, for example--but sources in the cities of Knoxville, Chattanooga and Nashville reported almost none.

The problem has been concentrated in a few of the largely rural counties of the west that have a high concentration of blacks. In Fayette County, for example, 15 black teachers were dismissed and a comparable number demoted.

(Thirteen have been ordered reinstated by a federal court.) Some two dozen more were reported dismissed in nearby Haywood County, and a lawsuit is expected there. Four teachers reportedly were fired in Lauderdale County, and 10 were demoted from classroom teaching to what are considered lesser assignments in the federally funded Title I program. There were reports that in each of three other west Tennessee counties--Crockett, Hardeman and Madison--at least two black teachers were either fired outright or not rehired.

In the Memphis area, some black teachers in the Shelby County schools have been displaced as the city school system proceeds with annexation of the county system. But according to Walter S. Wrenn of the Office of Civil Rights branch in Atlanta, a comparable number of whites have also lost their jobs, and "all Negro teachers with tenure in the county were placed somewhere" in the expanding city system.

Tennessee's tradition for moderation in racial matters and her strong tenure law--generally regarded as one of the best in the nation--are responsible for the lack of a serious displacement problem, most sources said. The National Teacher Examination is required in 12 school systems.

Nonetheless, there were scattered reports of a decline in the hiring of blacks. Legal Defense Fund monitors reported that 122 whites were hired this year in Hamilton County, and only one black. Other sources said that only one of the 18 new teachers hired in Madison County was black, and only three of the 21 in Jackson.

In rural areas, said E. Harper Johnson, director of special services and staff consultant for human relations with the Tennessee Education Association, "there seems to be a trend against employing young blacks. Unless it's a local boy or girl, they won't hire a black."

TEXAS

Although its worst effects were felt in Texas three or four years ago, desegregation is still leaving a tragic legacy: hundreds of black teachers are out of work. Incomplete results from a survey taken this fall by the Commission on Democracy in Education in Dallas reveal that, in 76 of the state's 1,244 districts, 225 teachers lost their jobs this year or are still out of work as a result of an earlier displacement. (There are about 450 districts in the state which have no black residents.)

The worst may have passed ("two or three years ago blacks were dismissed right and left," said Gilbert Conoley of the Title IV Technical Assistance Program), but displacement is still going on, according to some. Dr. E.W. Rand, dean of the graduate school at Texas Southern University in Houston, estimated that 15 to 20 per cent of the state's 12,000 to 15,000 black teachers have been dismissed, demoted or pressured into resigning this year. "It's happening, man; we see it all the time," said Gillespie Wilson, state NAACP president.

Others, however, say that they see little evidence of displacement this year. "I daresay there have been very few cases this fall," said Title IV's Conoley. James R. Ray, executive director of the Governor's committee on Human Relations, said he has heard of "just a couple of cases, and those without very much merit."

The results of the survey by the Commission on Democracy in Education, fragmented though they are, appear to disprove such notions, however. Typical of the findings of the commission's many contacts around the state was a report from the Waco area. It showed a former elementary principal now teaching math, a junior high principal demoted to elementary school, an elementary school principal reduced to "visiting teacher," two special education teachers whose contacts were not renewed, a teacher with 33 years' experience summarily dismissed two months after school began, and so on.

There is a new tenure law in Texas--adopted in 1967--but it is permissive in nature. The legislation defines just grounds for dismissal and recommends that local boards adopt fair dismissal procedures, but leaves the matter largely to the discretion of the boards. Few boards are said to have followed the legislature's recommendations. All teachers have to take the NTE for certification, but a minimum score is required in only a few systems.

In many of the 76 districts in the commission's survey, there were only one or two teachers out of work In others it ran much higher--11 in Thrall, 10 in Dawson, Hemphill and Sweeny, nine in Eagle Lake, Ithasca and Spring Lake, eight in Caldwell and Cushing.

East Texas, the largely rural, Black-Belt area lying east of a Dallas-to-Houston line, apparently is the biggest nest of displacement. The NAACP's Wilson calls it that ("the Mississippi of Texas," he said), and earlier this year the NEA singled it out for investigation by a task force.

Judging from the admittedly spotty survey by the commission, however, central Texas may be equally prone to displacement. Four of the 13 districts in which seven or more teachers were reported out of work lie in east Texas, six are in the central portion of the state, and three are in the west (where, on the whole, very few blacks live). "Draw a north-south line through the center of Texas," said McDaniel. "East of that is where most displacements occur."

The large reservoir of unemployed teachers is as symptomatic of a decline in hiring as it is of displacement. "New black teachers do not enjoy equal opportunity at available teaching positions," reported the commission. "In the small school districts, there is a notable decrease in employment of black teachers; some have not employed any black teachers during the past two years."

Superintendents say that blacks just aren't applying, said the commission. Blacks, in turn, say that their employment prospects are so poor they do not bother to apply. In addition, reported the commission, black teachers are being discouraged by the prospect of being shifted from school to school.

VIRGINIA

There is neither hard data nor anything resembling a consensus, even among blacks, on the issue of teacher displacement. Two officials in the State Department of Education--George W. Burton, assistant superintendent for public instruction, and Harry L. Smith, director of public information--said they have heard of no displacement this year. And J. Shelby Guss, a black official in the Virginia Education Association (VEA), said, "I don't know if I could find 25 Negro teachers who've been dismissed or demoted."

On the other hand, RRIC was told by a civil rights lawyer that "Mississippi's got nothing on Virginia." There has been displacement "throughout the state," according to Mrs. Ruth Harvey, a Danville attorney and member of the State Advisory Committee to the U.S. Civil Rights Commission. "We are losing black principals and heads of departments," said Curtis Harris, state coordinator for the Virginia Council on Human Relations. "Yes, most definitely, it's happening," added Richmond attorney and vice mayor Henry L. Marsh III.

Charles N. McEwen, education reporter for the Fredericksburg Free-Lance Star, which covers four counties, summed it up: "Everybody thinks that teachers were displaced. But it seems to be a will-o'-the-wisp type thing."

"I know it's happening," said Lawrence D. Billups, director of the NEA's regional office in Springfield, "but I can't prove it."

Most who agreed with Billups held these opinions, too: Displacement was worse in the past than this year. Most of it has been scattered throughout the rural areas and small towns in the western and southern portions of the state. Nowhere this year has it been blatant.

In fact, there have been no blatant cases of displacement in Virginia for several years, according to the VEA's Guss. In Giles County in the mid-sixties, he said, several teachers were dismissed, then ordered reinstated; that apparently left an impression on school administrators in the state.

Even if there is no overt displacement of black teachers, however, it is apparent that there is attrition in their ranks. In all sections of the state, the familiar "not-fired-but-not-hired-either" refrain can be heard. King George County, in the northeast, reportedly hired 22 new white teachers and only one new black this year. Its faculty is estimated to be 10 or 15 per cent black, its student population 40 to 50 per cent black. Five years ago, Roanoke County schools, in the southwest, had about 45 black teachers. There are said to be about 37 there now.

Usually, said Guss, "a black teacher has to be almost super to be employed in a new position" in the state. The result, he said, is that "our young people just aren't turning toward teaching like they used to."

The state adopted a tenure law in 1968 to replace its continuing contract law. The National Teacher Examination is required in eight systems.

Mr. Megel. We cannot expect integrated schools to be a successful educational experience for minority or nonminority children so long as we permit acts of discrimination to continue within so-called integrated schools. We cannot expect school integration to be successful if we permit the "integrated" school to become a mask which hides subtle but no less harmful forms of discrimination against minority students.

It is against this background of the expenditure of the first $75 million for desegregation that we must view the legislative proposals before this subcommittee.

We believe that the experience thus far gained indicates that it is absolutely essential that legislation in this area contain: (1) A clear statement of purpose and philosophy; (2) specific provisions and standards defining how and for what purposes the funds will be spent; (3) an emphasis on the most encouraging proposal for quality integration; (4) tough safeguards to prevent abuses and misdirection of funds; and (5) an independent enforcement mechanism to insure that the law will be obeyed.

It is our considered opinion that the legislation developed by the Subcommittee on Education, cited as the "Quality Integrated Education Act of 1971" as S. 683, and introduced by Senator Mondale and 17 of his colleagues, readily fulfills the above five requirements.

Accordingly, we strongly endorse S. 683, because it contains clearly defined specifics and necessary safeguards. It has a clear philosophy; a carefully defined set of purposes and programs; a deliberate emphasis on some of the more promising integration strategies; a formula to concentrate funds on areas of greatest need; funds reserved for metropolitan solutions; and adequate safeguards, including an independent enforcement mechanism.

On the other hand, while commendable in its philosophy, S. 195 does contain certain deficiencies such as (1) failure to establish meaningful integration standards defining requirements for funding; (2) failure to require the integration of students in districts funded for desegregating school faculties; (3) failure to limit activities for which funds may be received; (4) failure to provide for parent-teacher participation in development and implementation of projects funded; (5) failure to assure compliance by relying entirely upon Federal officials for enforcement.

In contrast, we support S. 683 specifically:

Because of its carefully defined concept of the quality integrated school which would receive 40 to 45 percent of the allocated funds;

Because of the required high level of student and faculty integration;

Because it assures parent and teacher participation in the development and implementation of programs;

And because it requires that these schools contain a, "Substantial proportion of children from educationally advantaged backgrounds."

The importance of assuring the inclusion of educationally advantaged children cannot be overemphasized.

The Coleman Report on "Equality of Educational Opportunity," found that a mixture of children from all economic and social backgrounds was the key element in successful integration.

As representatives of thousands of classroom teachers, we attest to this conclusion. One reason why disadvantaged students of all races do not achieve is because of their environment. Unquestionably, qualified teachers, adequate resources and pleasant surroundings are essential ingredients in efforts to provide quality education.

However, an equally important component is the compostion of the student body itself. Children learn from teachers; but, we know that they learn more from each other. This important fact is recognized in S. 683 by requiring the inclusion of educationally advantaged children in quality integrated schools.

Moreover, we support the provision which reserves 3 percent of the funds for the reimbursement of attorneys' fees and costs incurred in law suits to effect compliance, not only with provisions of this act, but also those of title I of the ESEA, title VI of the Civil Rights Act of 1964 and the Equal Protection Clause of the 14th Amendment. In our judgment, the provision offers the best hope against misuse of these funds.

A major concern of the American Federation of Teachers centers on quality education, the ingredients of which are highly qualified teachers, up-to-date and relevant text books and supplies, and teachable surroundings. To effect these concepts, the $1½ billion proposed in both bills under consideration is quite inadequate. We would respectfully urge that the sum authorized to be appropriated, be at least doubled.

Moreover, we believe that the proposed allocation to the Secretary of the Department of Health, Education, and Welfare—to be expended as he may find necessary—should not exceed 5 percent of the sums appropriated. Local public school officials who violate the law should be held responsible to the proper authorities. The HEW Secretary possesses punitive powers only through withholding of funds which negates the intent of the legislation to encourage integration of school systems.

With these amendments, we strongly urge the passage of S. 683 in order that the Nation's children, especially the disadvantaged ones, may obtain their rightful educational heritage.

We appreciate the opportunity to appear before this subcommittee. We sincerely thank the chairman and the members for the courtesy they have extended to us in making it possible to present this testimony.

Senator **Mondale**. Thank you for a very fine statement, a very helpful statement, and for the support of one of the great teacher organizations in our country. We thank you for your support in our effort.

In representing, as you do, thousands of teachers, some of whom are in the South, many of which are black, it is your testimony that many of them have been subjected to discrimination, fired and demoted because of color and that some of those districts have received funding under the $75 million of ESAP funds, nevertheless; is that correct?

Mr. **Megel**. That is right.

Senator **Mondale**. I gather the main specific change you would like to see is an authorization of funding much more substantial than contained in our proposal?

Mr. Megel. At least doubled.

Senator Mondale. I agree with everything you say. I don't have any questions. Thank you very, very much.

Senator Pell had to leave. We have two meetings going at once. He has to be there.

We will reconvene tomorrow morning at 10 a.m. to hear Commissioner Marland and others from the administration.

Thank you so much.

(Whereupon, at 11:45 a.m., the subcommittee recessed, to reconvene at 10 a.m., Friday, February 26, 1971.)

EMERGENCY SCHOOL AID, 1971

FRIDAY, FEBRUARY 26, 1971

U.S. SENATE,
SUBCOMMITTEE ON EDUCATION OF THE
COMMITTEE ON LABOR AND PUBLIC WELFARE,
Washington, D.C.

The subcommittee met, pursuant to call, at 10:05 a.m. in room 4232, New Senate Office Building, Senator Claiborne Pell (chairman of the subcommittee) presiding.

Present: Senators Pell, Mondale, and Dominick.

Staff members present: Richard Smith, associate subcommittee counsel, and Roy Millenson, minority professional staff member.

Senator PELL. The subcommittee will come to order.

The reason for this subcommittee hearing, is that there were further questions Senators had of the administration in connection with the enforcement provisions of the expenditure of the $75 million, the Chair has been seeking to work out this meeting at the convenience of the Senator concerned, and the administration.

STATEMENT OF HON. SIDNEY P. MARLAND, JR., U.S. COMMISSIONER OF EDUCATION; ACCOMPANIED BY CHARLES B. SAUNDERS, JR., ACTING ASSISTANT SECRETARY FOR LEGISLATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE; J. STANLEY POTTINGER, DIRECTOR, OFFICE OF CIVIL RIGHTS; THEODORE SKY, OFFICE OF THE GENERAL COUNSEL; JERRY H. BRADER, DIRECTOR, DIVISION OF EQUAL EDUCATIONAL OPPORTUNITIES, OFFICE OF EDUCATION; AND PROFESSIONAL STAFF MEMBERS

Commissioner MARLAND. Thank you, Mr. Chairman.

Senator MONDALE. I would ask the chairman whether the Commissioner has any prepared remarks, or whether he is here simply to respond to questions.

Commissioner MARLAND. I do have brief prepared remarks, to develop the setting in which the Secretary would be testifying if he were here.

Senator PELL. Proceed with that, and then we will have questions.

Commissioner MARLAND. Very good. I would like to introduce Mr. Charles Saunders, Deputy Commissioner for External Relations; Mr. Jery Brader, Director of the Equal Educational Opportunities; Mr. Stanley Pottinger, Director of the Office for Civil Rights in HEW; and Mr. Ted Sky, Office of the General Counsel, HEW.

Mr. Chairman, and members of the subcommittee, we appreciate the opportunity to testify again as the subcommittee continues its consideration of the proposed Emergency School Aid Act of 1971.

When we first appeared before the subcommittee on February 10, Secretary Richardson emphasized the importance of securing the earliest possible enactment of the Emergency School Aid Act.

Today I can only reiterate that sense of urgency. As a practical matter, if the legislation is to encourage school districts to prepare for the implementation of voluntary plans by next September, action on the bill is needed this spring so that they can plan wisely and qualify for assistance well in advance of the next school year.

Recent national figures on the extent of racial isolation reflect the stubborn persistence of a condition which is as inimical to the education of white children as it is to the education of minority group children. In the breakup of the traditional and illegal dual school system in the South, the picture has improved markedly over the past few years.

But on the other hand, the national trend does not allow for much optimism. To date, voluntary efforts to reduce and eliminate racial isolation in the schools have been, for the most part, scattered and of limited scope.

The vital function of the administration's bill is to redirect local priorities toward dealing in concrete terms with this critical problem.

We have gained valuable experience toward this end and through administration of the $75 million appropriated last August for the emergency school assistance program. In our view, the immediate availability of these funds this past fall helped to bring about the calm and smooth transition from dual to unitary school systems.

This transition was a substantial one. Prior to September 1968, school districts in 11 southern States implementing terminal desegregation plans enrolled enrolled only 132,000 minority students, or less than 5 percent of the total number.

In contrast, school districts implementing terminal desegregation plans in September 1970, involved more minority students than in all previous years combined—nearly 2 million minority students, or 63 percent of the total.

Attempts to desegregate prior to 1970 were, in many instances, accompanied by serious disruptions of the educational process. Boycotts, property damage, bodily injury, and school closings have all too often accompanied the efforts to end dual school systems.

Local educational agencies implementing court ordered or voluntary desegregation plans in greater numbers than ever before were ill equipped, and in many instances simply lacked the expertise to cope with the massive problems they faced.

Last summer, as the start of the 1970–71 school year approached, there was undeniably an atmosphere of tension and of near-crisis in many quarters. In numerous cases, schoool administrators, teachers, and parents were faced with a mandate to make very sudden adjustments of substantial consequence to the school system and to the children involved.

One may argue that the debate should have ended many years ago, but that argument does not alter the realities of the situation which unfolded in the summer and fall of 1970.

It was precisely at this point that time ran out, that desegregation was no longer postponable. The need arose then and there to encourage peaceful compliance with the law.

Stability could not have been better served than by helping school districts implement the fundamental changes which were necessary.

This was the purpose of the emergency school assistance program—to assist school districts in achieving desegregation by contributing to the cost of new or expanded activities designed to make such desegration more effective.

In general, activities funded under the program have proven their worth. One reason they have been effective is that projects have been amended and redesigned as required to meet local problems arising on a day-to-day basis.

Experience to date indicates that this flexibility tends to reduce polarization and provide a working relationship for maintaining and improving the quality of education.

Given the pressure of time and the nature of the undertaking, it is remarkable that of more than 300 voluntary desegregation plans which took effect last September, only four districts reneged outright on their commitments. In our opinion, a measure of credit for this encouraging fact must go to the emergency school assistance program which clearly exerted a positive influence in strengthening the resolve of local leadership to adhere to the features of their desegregation plans.

In addition, we are progressing with the community grant phase of the emergency school assistance program. As of February 19, 41 grants had been announced, some 70 more already approved are being reviewed by the Governors of the States concerned, and 20 are in the last stages of review. These 131 grants exhaust the $7.5 million available for this activity.

These grants vary widely in size and purpose, reflecting the many different approaches elected by local groups to aid the cause of desegregation and get directly at the problems of community upheaval which too often have followed in the wake of desegregation activities.

Using a variety of instructional and information techniques, all of these projects seek to promote understanding, dispel rumors, and develop positive changes in attitude among parents, teachers and students alike.

This type of community-based learning experience is absolutely essential to the ultimate success of new, unitary school systems.

The program regulations and the amendments added to the appropriations language by the Congress placed upon the Department a serious legal obligation to monitor, carefully and to the best of our capability, the expenditure of emergency school assistance funds.

This is especially true in light of our early decision to make assistance available as quickly as possible with a minimum of redtape, given the emergency nature of the program.

Both the Office of Education and the Office for Civil Rights have carried out post-grant evaluations of funded projects, which will proceed through the grant period.

On February 16, the Department submitted to the chairman of the subcommittee a written report detailing our efforts to monitor compliance with the civil rights related requirements of the program and to review the projects funded.

As the report indicates, the first step in administration of the program was a series of State technical assistance conferences for potentially eligible school districts held by the Office of Education's Division of Equal Educational Opportunities (title IV).

These conferences, held in August and September, acquainted school administrators with the intent and requirements of the program and assisted them in preparing applications for aid.

In reviewing incoming applications, the Division examined the district's need for assistance and the relative merit of its proposed project. At the same time, the Office for Civil Rights, assisted by the Department's Office of General Counsel, evaluated the technical eligibility of the applicant district, as well as the likelihood of its compliance with certain civil rights-related assurances after funds had been granted.

Of the 1,319 school districts originally identified as potentially eligible to participate in the program, the Office of Education had funded 891 districts in the amount of $62 million, as of February 24.

Approximately 321 districts elected not to apply for funds after having been informed of program requirements, including the civil rights-related assurances. An additional 51 applications have been rejected either because of inadequate program design, ineligibility, or civil rights-related problems.

The post-grant evaluation and enforcement phase of the ESAP program began in November. As of February 19, 1971, title IV staff members had conducted onsite reviews of 297 funded districts. Since November, the Office for Civil Rights has conducted onsite reviews of 174 districts. Adding to my prepared testimony, some of those sites visited, were overlapping, perhaps 30 or 40 were duplicated.

Additionally, the Office for Civil Rights has developed and utilized comprehensive evaluation and compliance forms in a systematic, computerized effort to monitor the large number of ESAP projects that have been funded. These forms, required of all ESAP grantees, assist the Office for Civil Rights in identifying problems of noncompliance such as failure to establish biracial and student advisory committees, failure to achieve the *Singleton* black-to-white faculty ratio in every school, teacher discrimination, and discrimination in student assignments.

The forms provide valuable information about the operation of ESAP projects, and because the district is required to disclose facts relating to the above matters, serve as an effective tool for achieving voluntary compliance with program requirements.

Accordingly, the Office of Education has taken steps to enforce compliance with the requirements that these documents be filed.

To date, 20 school districts which have failed or refused to submit these essential forms have been notified that their grants were subject to termination, and another 26 such cases have been referred to our regional offices for final attempts to secure compliance before termination proceedings are begun.

The effect of this enforcement action has been to secure compliance with the evaluation form requirement; of the first 11 districts so notified, only one was actually termination. It is expected that most of these districts will comply.

Section 181.7 of the ESAP regulations require school districts to establish biracial advisory committees within 30 days of the approval of their ESAP project, if one has not already been formed pursuant to court order.

This requirement was intended to ensure that representative community groups and parents of children directly affected by the ESAP projects would have a role in planning and shaping their district's programs. Where the evaluation forms or other information has indicated a violation of this provision, we have initiated enforcement proceedings.

Three school districts have been notified of termination proceedings for failure to form the required biracial advisory committees, and 10 additional cases are now being processed.

The first hearings in these cases are scheduled for March 10 in Atlanta, Ga.

Additionally, ESAP grants to three districts have been annulled when it was discovered that the districts were not eligible for assistance.

A number of other cases are expected to be developed in the next several weeks. Where the nature of the violation is such that prompt action can bring the grantee into compliance, voluntary compliance will be sought; but where the violation cannot be corrected, we will insist on termination of the grant and, where applicable, recovery of funds already disbursed.

On January 14, the Office of Civil Rights issued a policy statement on nondiscrimination in school staffing practices. To implement these guidelines the Office for Civil Rights will identify and take enforcement action against those districts where serious faculty assignment problems exist and where discrminaton against teachers can be established.

This procedure is made possible by additional computer information which has just become available. It will supplement the routine compliance work covering title VI plan districts which has been underway since the fall. In addition, appropriate enforcement action will be taken based on evidence of noncompliance obtained during the onsite reviews of funded districts.

Mr. Chairman, what we have tried to present, both in our written report and in this brief statement, is a picture of the Department's multiple efforts to insure that recipients of emergency school assistance are abiding by their program and civil rights commitments.

My associates and I will be the first to admit that the process has not been an easy one. As I indicated earlier, nearly 900 individual school districts have been funded under the program. The fact that there are only 32 education compliance officers available to the Office for Civil Rights in the regions to monitor the regulations on site and to evaluate the information obtained—in addition to their regular title VI enforcement duties—may give some indication of the practical problems involved in doing a comprehensive job.

Where possible violations are alleged to exist, verification may take a compliance officer several days, while postvisit evaluation, consultation with attorneys, and preparation for hearing can take a much longer time.

In addition, a number of the civil rights-related assurances were, when formulated, unique to the previous investigative experience of the Office for Civil Rights. Indeed, the whole question of what constitutes in-school discrimination is comparatively new and extremely complex.

We do not mean to suggest that the emergency school assistance program lacks adequate followthrough. Compared to other grant-in-aid programs, the opposite is true or probably the case. This program has been subject to the most intensive scrutiny of any program of similar dollar size in recent memory.

Rather, our purpose in this testimony has been to make the subcommittee aware of the Department's commitment to insuring compliance with both the program and civil rights-related phases of the emergency school assistance program.

We have taken positive actions in both areas; obviously, we have much more to do. We look forward to cooperating with the subcommittee and with others interested in such compliance as we continue the postgrant phase of our evaluation.

We would be happy to answer any questions that you or members of the subcommittee might have.

I would like to add that we would say again, as we did at the first hearing before this committee, that those of us in the Department of HEW will be eager to discuss reconciliation of any differences that may exist between this proposed legislation and such other legislation as may be before you. We must act with dispatch, since we in the Office of Education have a great deal to do if we are to bring off this effort with system and substance and good order in time for its application next September.

We will be pleased to answer any questions, Mr. Chairman.

Senator **Pell**. Thank you. What I understand you to say is that there have been mistakes made in the past, and that you believe that in the future these mistakes will be far fewer.

Our judgment has to be whether we should go ahead, whether more good is derived by the community by moving ahead with the expenditure of this large sum of money or not.

We had witnesses yesterday who said they would prefer the money not be spent than spent as is proposed by the administration. There were other views that it would be better to spend it.

To my regret, we were unable to get a bill through in the last Congress, but I hope we will in this session, be able to iron out these difficulties.

I turn the hearing over to the Senator from Minnesota.

Senator **Mondale**. Thank you, Mr. Chairman.

I wish to express my appreciation to the chairman for scheduling these hearings, and to the commissioner and his aids for appearing here this morning.

I am going to ask questions in two areas, the alleged violation of law and regulations, and second, following that, the question of standards and directions for the proposed legislation.

As you are aware, Mr. Commissioner, there were substantial hearings held before the Equal Education Committee and before the Education Subcommittee on the question of school desegregation throughout the country, and on the basis of those hearings at the time the $75 million emergency appropriation was made, there was not only a long debate, but several amendments were adopted, and assurances regarding Department policy received, designed to prevent the funding of school districts which were resorting to segregation of all kinds, which were transferring directly or indirectly public property to private segregation academies, which were firing, demoting or discriminatng against black teachers, which were resorting to a host of what you might call second generation of discrimination, in-school desegregation, where students only come through the front door together and are thereafter sorted out on the basis of race and minority, and other such discriminatory actions.

Following the debate, what was then called the Javits amendment was adopted which sought to prohibit funding to districts practicing discrimination in order to encourage a more wholehearted policy of desegregation.

Following the expenditure of most of the $75 million, a group of organizations joined together and prepared a report on the expenditure of those funds which, if accurate, ran I believe it is essentially accurate, is a devastating indictment of the way in which these funds were spent, and shows, or at least alleges, absolutely incredible numbers of violations of the law directly and of the regulations promulgated by your department.

So one of the key questions we have in shaping this legislation is what can we do to be sure it does not happen again, what is the opinion and administrative policy of your department, so that these sorts of things can be prevented?

With that in mind, I am going to ask a series of specific questions in each of these categories to get your report, and for you to tell us how you view it, and how you would deal with it if you agree with that report.

The first category is in the aid to private schools. This is clearly unconstitutional, and I am sure you agree with that, and it is clearly illegal under the terms of the amendment. I would like to turn to Gadsden County, Fla., which received $133,000 under the program.

We are told that this district sold to schools, to segregated private schools, one at a fair price of $10, and has given books and equipment to the private schools. Are you in a position to respond to that?

Commissioner **Marland**. I will have to defer to one of my associates, Senator Mondale, and I would ask Stanley Pottinger to respond to that question.

Senator **Mondale**. Very well.

Mr. **Pottinger**. Senator, we will try our best today. As you see, we brought reams of documents, we do want to try to respond on specific districts. I might say that because we are dealing with about 900 districts funded under ESAP, it may take a few minutes to get to them individually. In the event we don't have complete or satisfactory answers, we would ask an opportunity to respond on the record following today's hearings.

Let me start by saying that with regard to the private school issue, the Office of Civil Rights, at the request of the Commissioner of Education, did undertake a compliance review program in this area, as well as in the other areas of the so-called assurances, or eligibility requirements in this program.

I should also say that we had, and still do have, 32 compliance officers available in our three Southern regional offices to undertake these on-site investigations.

In addition to that, we had with the assistance of the Office of General Counsel, a small number of people in Washington to help in the clearance process on those applications.

Now, with regard to private segregated academies and assistance to them, our policy was to follow the legislation and the regulations as rigorously and as vigorously as we conceivably could. In some cases we were able to document, identify and document, illegal transfers in past transactions and identify and document future transactions.

In the case of Leon County, Fla., for instance——

Senator **Pell**. Is that Gadsden County?

Mr. **Pottinger**. No, excuse me, sir; it is not.

Senator **Mondale**. Do you have anything to say on Gadsden County?

Mr. **Pottinger**. In Gadsden County, my records indicate a post-grant review on January 12 through January 14, 1971. We have the matter under evaluation at this time along the following lines, and let me read them to you if I may.

In order to establish a past transfer as unlawful, it is necessary under your—the so-called Mondale—amendment, to show that the prior transaction was illegal at the time it was made.

Under that amendment, it is necessary for us not simply to identify through either rumor, hearsay, or allegation, or indeed an admission by the school that a transfer took place, but under the law that governs this program, it is necessary for us to determine that the transfer at the time it took place did not take place for fair value, did not take place pursuant to State requirements that notice be given, and finally, that it was a discriminating, or discriminatory private school to which the transfer was made.

Senator **Mondale**. Let me interrupt right there. The law does not require you to make a grant while you are investigating, does it?

Mr. **Pottinger**. No, sir, but in this particular case, the allegation of an illegal transfer occurred long after the grant had been made.

In other words, the situation was not known to us at the time the grant was made. As our report to the subcommittee attempted to delineate, a pre-grant review was made of each district which was funded. It was not always an on-site review, and as we are trying to lay out for you today, it could not be.

There are, for instance, in this program, 900 participating districts governing approximately 8,000 schools, governing what we believe to be a quarter of a million classrooms.

Under this particular program, we are—or the Federal Government is—responsible for some sort of review of all quarter of a million classrooms, 8,000 schools, in 900 districts.

I tried to make clear before that we have—even with the other responsibilities, incidentally, that title VI has—been able to devote, after our initial fall title VI reviews, all of our efforts to ESAP reviews. In this particular case, we did not know, and I believe to my knowledge no one knew, at the time that the grant was made that there was an allegation of the transfer of property. Therefore it is a post-grant review.

Senator **Mondale**. In January you did receive a complaint from some source alleging that which I have referred to, about the sale, or in effect transfer of property to the private segregation academies.

So that the status of the Gadsden County situation is basically one of investigation?

Mr. **Pottinger**. Along the lines I have mentioned.

Senator **Mondale**. And have you suspended then, further grants to that school pending the outcome of the investigation?

Mr. **Pottinger**. No, we have not. It is my understanding that we cannot legally do that. I might also add, however, that in the cases where we have established, under due process standards, a violation of this nature, we are entitled to a return of all of the funds.

Senator **Mondale**. In the case of the Washington Research Project, they listed this school district last November. You say you heard about it first in January.

Mr. **Pottinger**. No, Senator, I did not say that. I said our on-site review was in January. We were aware of it at the time the Washington Research Project released their report.

(Information referred to subsequently supplied follows:)

Gadsden County, Fla.

A post-grant ESAP review of Gadsden County, Florida, was conducted by two civil rights specialists from the Atlanta Civil Rights Regional Office between January 12 and 14, 1971. The information obtained from this review has been analyzed, in part, by attorneys from the Office of General Counsel. With regard to allegations concerning the transfer of certain public properties to a private school, the Office of General Counsel has identified the following transactions and concluded:

1.—Transfer of School Buses to Robert B. Munroe Day School

This transfer was made at advertised public sale and the purchase price was more than the duly appraised value. As this was a sale for value and the transfer was made prior to the date of submission of the district's ESAP application, it does not violate the Mondale Amendment.

2.—Transfer of Mt. Pleasant School Plant and Grounds to Robert B. Munroe Day School

This property was sold at a price (in excess of $18,000) which was over the duly appraised value and consequent on public notice that such property was declared to be surplus pursuant to State statute. The transfer was a prior transaction for value and is not violative of the Mondale Amendment.

Allegation concerning the transfer of school books to the private school, as well as several other compliance questions, are being further investigated by the Office for Civil Rights, assisted by the Office of General Counsel.

Senator **Mondale**. Let me turn to another school district——

Senator **Pell**. Excuse me. I would like to understand something here. Why can you not withhold further funds if you think some have been misspent?

Mr. **Sky**. Let me attempt to answer that. Once a case is developed that there has been a violation of the Mondale amendment——

Senator **Pell**. Can you speak up?

Mr. **Sky**. Yes. Once a case has developed that there has been a violation of the Mondale amendment, then we would be in a position to bring termination proceedings in order either to cut that grant off, and then recover our funds, or to declare that if the violation had taken place before the grant was made that it was void in the first place. Then we would seek recovery of the funds, but until we have the case established there is no basis on which to take any action.

Senator **Pell**. You can take action only with a full finding?

Mr. **Sky**. We have no authority to suspend, pending investigations with respect to a termination case.

Senator **Pell**. You say you do not have the authority to suspend expenditures if you believe that they are being misspent.

Mr. **Sky**. If we brought a proceeding, then there may be something that we can do about continuing payments, but simply pending investigations——

Senator **Pell**. Then we ought to give you the authority to stop spending money if you think it is being misspent. I am not a lawyer, but I would think that——

Commissioner **Marland**. Mr. Chairman, if I could intrude here, I would say it would be our intent, based upon facts derived from an investigation, to indeed halt the money. I think we are responding in that context now. But I think where you say our judgment suggests that something is wrong, that judgment has to be based on fact—and on the results of an investigation.

Senator **Pell**. I would also suggest that when there are errors, and I think you all agree errors have been made, the administration should not adopt a defensive posture. Don't be afraid to admit mistakes. I would have thought that the Gadsden County incidents, or occurrences, might have been one of those where you felt you made a mistake.

Mr. **Pottinger**. Senator, I don't think we are ready to concede that at all. I would say that despite any complaint or any rumor we have that a district may have violated any of the assurances, it is the responsibility of the Federal Government to determine the veracity of such an allegation.

Now what we are not saying here, is that we would only suspend funds if that case has been drawn to its final appellate conclusion, no. We are saying that we still have to go on-site to review these allegations before we can suspend the funds, and that is precisely what we are in the process of doing at this time.

That means that we are in a gray area, and having reached that gray area where we have a prima facie case, which we have established, not which has been established by third parties, then we are able to suspend funds, and we will do so, and we have done so.

Senator **Mondale**. Yes.

Senator **Pell**. Would you submit for the record those areas where you have done so?

Mr. **Pottinger**. Certainly.

Senator **Pell**. Thank you.

(The information subsequently supplied follows:)

Procedures for Termination of Assistance Under Emergency School Assistance Program

This memorandum summarizes the administrative procedures followed in connection with proceedings for the termination of assistance under the Emergency School Assistance Program (P.L. 91-380).

Paragraph 11 of the General Terms and Conditions applicable to the ESAP program (35 F.R. 13446, August 22, 1970) provides in pertinent part:

> a. Grants may be terminated in whole or in part by the Government in the event the Grantee fails to carry out its approved project proposal in accordance with applicable law and the terms of this grant. No grant shall be terminated unless the Grantee has been given reasonable notice and an opportunity to show cause why such action should not be taken, and has been afforded reasonable notice and opportunity for a full and fair hearing.
>
> b. Termination shall be effected by delivery to the Grantee of a written notification thereof, signed by the Grants Officer.

It should be noted that termination is not the sole remedy available to the Commissioner in cases where statutory or other requirements related to ESAP have not been met. A memorandum of law prepared by the Office of General Counsel, DHEW, attached as Tab A, fully discusses such remedies and their legal basis. Thus, in addition to termination, under appropriate circumstances, the Commissioner may annul a grant if it was unauthorized when made or may declare it voidable when secured by misrepresentation. In addition, the traditional remedy of taking an "audit exception" where funds have not been spent for proper program purposes is also available.

The ESAP terms and conditions require that a grantee be given reasonable notice and an opportunity for a full and fair hearing prior to termination. Further, statutory provisions with respect to assistance under Title II of the Economic Opportunity Act of 1964 (one of the authorities upon which the ESAP Appropriation in P.L. 91-380 is based) requires notice and opportunity for a hearing upon termination.[1] Accordingly, the procedures for formal adjudication in the Administrative Procedure Act (5 U.S.C.
5
§§ 554-547) are applicable to ESAP termination proceedings.[2]

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[1] Economic Opportunity Act, § 604(3).

[2] 5 U.S.C. § 554(a); Springfield Airport Authority v. CAB, 285 F.2d 277 (D.C. Cir. 1960). Section 554(a) makes the adjudication procedures of the APA applicable to "every case of adjudication required by statute to be determined on the record after opportunity for an agency hearing" (subject to exceptions not applicable here).

The Administrative Procedure Act requires notice, an opportunity for a hearing upon the record in accordance with 5 U.S.C. §§ 556 and 557, and the right to appeal from a decision of the hearing examiner to the agency (here the Commissioner). The paragraphs below describe the procedures as they have been applied to ESAP termination proceedings.

It should also be emphasized that the termination proceedings under the ESAP program are designed to be conducted on an expedited basis in view of the limited time span of the program and the need to bring the respondents into compliance as promptly as possible (or, where compliance cannot be achieved, to promptly terminate the grantee's opportunity to commit grant funds).

1. Notice. Termination proceedings are commenced by a letter sent to the ESAP grantee by the grants officer advising the grantee of an apparent failure to abide by the terms and conditions of the grant and the statutory or regulatory basis for that requirement. The notice advises the grantee that the grant will be terminated as of a certain date, subject to the hearing and other procedures to which the grantee is entitled. In cases where subsequent compliance will satisfy the requirement involved (for

example, where the grantee has failed to file OCR evaluation reports but filing after the notice will meet program needs), the grantee is so advised. He is also advised of his right to a hearing. A date and place for the hearing is proposed in the notice. A hearing is not scheduled earlier than 15 days after the date of the notice. The grantee is advised of the manner in which a hearing may be requested. (Typical termination notices in different types of ESAP termination proceedings are set forth at Tab B.)

2. Hearings. Hearings in ESAP termination cases are conducted in accordance with the Administrative Procedure Act (5 U.S.C. §§ 556-557).In the case of such hearings, where the Commissioner does not preside at the taking of evidence, a hearing examiner appointed under 5 U.S.C. § 3105 must do so; the examiner is authorized generally to regulate the course of the hearing (5 U.S.C. § 556(b)(c)). The sanction of termination cannot be imposed except on consideration of the record and supported by and in accordance with reliable, probative, and substantial evidence (5 U.S.C. 556(d)). The respondent in such a proceeding is entitled to present his case or defense by oral or documentary

evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and fair disclosure of the facts (ibid). Although their right to appear by counsel is obvious, grantees are especially advised that they may be represented by counsel.

3. Post-hearing procedure. Following a hearing, both the Office of General Counsel staff (who are responsible for presentation of the facts and law concerning the proposed termination) and the respondent grantee are given ten days in which to submit to the hearing examiner proposed findings and conclusions of law and briefs in support thereof. The case is then ripe for decision by the hearing examiner, whose decision is an initial rather than a recommended decision (5 U.S.C. § 557).

4. Post-initial decision procedures. Section 181.15 of the ESAP regulations (36 F.R. 2785, February 10, 1971) provides, in accordance with 5 U.S.C. § 557:

> The initial decision of a hearing examiner regarding the termination of a grant under the program shall become the decision of the Commissioner without further proceedings unless there is an appeal to, or review on motion of, the Commissioner made in writing no later than 15 days after receipt of the initial decision of the hearing examiner. A request for appeal

> from the initial decision of a hearing examiner under this section shall be accompanied by the exceptions to such decision ^which the appealing party relies, accompanied by supporting reasons and briefs. Upon the filing of such exceptions and supporting materials (and any responsive briefs), the Commissioner shall review the decision of the hearing examiner and issue his own decision thereon.

ESAP grantees subject to termination proceedings are notified of this procedure (see notices attached as Tab B). To date, none of the termination proceedings which have been commenced under the Emergency School Assistance Program have reached this stage.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20201

OFFICE OF THE
GENERAL COUNSEL

TO : Mr. Jerry H. Brader, Director
Division of Equal Educational
Opportunity, BESE

FEB 11 1971

FROM : Education Division
OFFICE OF THE GENERAL COUNSEL

SUBJECT : Remedies available in cases of LEA non-compliance with ESAP program and other requirements

This memorandum (prepared at your request) summarizes the remedies available to the Government where it is found that a grant, or performance of a grant, to a local educational agency (LEA) under the Emergency School Assistance Program (ESAP) fails to comport with legal requirements under that program.

Available Remedies in General

In general, the following are among the remedies available to the Government in the event of violation of legal requirements incident to the making of a grant or performance thereunder:

1. Termination of the grant;
2. A suit for specific performance of a grant condition which has been breached;
3. Recovery of unlawfully expended funds through set off, judicial action or otherwise.1/

1/ This memo does not deal with the procedures or manner in which unauthorized expenditures are uncovered (e.g., audit, program review, etc.). For a general discussion of the relationship between audit exceptions and termination for nonconformity, see memo from Messrs. (Cont'd)

These remedies are discussed below in terms of several categories of non-compliance situations to which the ESAP program may give rise. Before turning to that analysis however, it should be noted that in many cases violations of the ESAP grant conditions (for example, the assurance against in-school segregation (45 CFR § 181.6(a)-(4)(vii)) may also involve violations of Title VI of the Civil Rights Act. Accordingly, in such cases, in addition to pursuit of the appropriate remedies under the ESAP program, enforcement action under Title VI may also be necessary. (If the LEA is engaging in conduct violative of Title VI, its continued eligibility for assistance under other Federal programs as well as ESAP would be in question.)

Moreover, some violations of the ESAP conditions may also constitute (or grow out of) non-compliance with the court order for desegregation under which the district is operating. In such a case, action by the Department of Justice to obtain compliance with the court order may be the appropriate means for curing the difficulties under ESAP. As set forth more fully below, it would appear that a request for judicial enforcement by way of a Frazer type suit for specific performance of ESAP grant conditions (which are not covered by the court order) might in some cases also appropriately be joined with a civil rights complaint.

Applicability of Remedies to ESAP Programs

The applicability of the remedies listed above depends in part on the type of situation presented. It may, therefore, be useful for purposes of discussion and analysis, to consider the following categories of cases: (1) where the

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1/ (Footnote 1 cont'd) Meyers, Lesser, and Rourke to General Counsel Willcox (July 28, 1949) (hereinafter "1949 memo") (attached as Tab A).

grant is not authorized by law; (2) where a grant condition has been breached; (3) where the grantee misrepresented material facts; and (4) where the grantee spends funds for an unauthorized purpose.2/ Finally, since violations of the Mondale amendment prohibiting the payment of ESAP funds to a school district which engages in the gift, lease, or sale of property or services to a discriminatory private school involves special problems, it is treated separately.

I. Grant, the Award of Which is Determined to Have Been Unauthorized Under Law

A grant is made to an LEA under ESAP. Subsequently, it is determined that the grantee was ineligible for the award of the grant under the statutory or regulatory criteria for determining "threshold" eligibility for an ESAP grant.3/ For example, the grantee may have been in a terminated status under Title VI of the Civil Rights Act, but the Office of Education inadvertently made the grant to it, or at the time of the grant, the LEA may not have had a court order or approved terminal plan for desegregation with the final phase commencing in September 1970, but OE was unaware of the true facts. The LEA may have, prior to the award of the grant, engaged in a transaction which is disqualifying under the Mondale Amendment.4/ In any event, let us assume that it becomes clear after the award of a grant that the Commissioner lacked authority to make the grant to the particular grantee and that nothing the LEA can do can

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2/ Categorization is always dangerous, and it is not intended to suggest that factual situations under ESAP lend themselves to neat and separate compartmentalization.

3/ In the case of ESAP, the threshold program criteria for eligibility in 45 CFR § 181.3 reflect the eligibility criteria communicated to Congress in connection with the enactment of the P.L. 91-380 appropriation.

4/ P.L. 91-380, which appropriates funds for ESAP, prohibits the use of such funds for any school district which has unlawfully engaged in the gift, lease, or sale (cont'd) change those circumstances. The following remedies are pertinent:

(a) Annulment. We do not think that an ESAP grant can lawfully be continued where the grant was made to a grantee which, at the time of the award, was ineligible for assistance under the governing statutes or regulations pertaining to the ESAP program. The making of such a grant by the Commissioner exceeds the authority conferred upon him by law. A grant may not give rise to a valid obligation of the Government of the United States unless it is made pursuant to an agreement authorized by, or plans approved in accord with and authorized by, law; a grant to a person which is by law ineligible to receive it violates this requirement.5/ Accordingly, a grant under the ESAP program to an ineligible grantee must be annulled as unauthorized under law. That the award was made by a grants officer to whom the authority to make grant awards had been properly delegated does not provide a basis for avoiding the annulment of an invalid grant.6/

4/ (cont'd) of property to a private school which discriminates on the basis of race, color, or national origin.

5/ See Comp. Gen. Dec. B-164990 (Sept. 6, 1968, unpublished). There a grant, pursuant to Titles II and III of the Economic Opportunity Act of 1964, was made by the Office of Economic Opportunity to a corporation which was not in existence at the time the grant was made and the relevant obligation recorded. The Comptroller General applied § 1311 of the Supplemental Appropriation Act, 1955, now 31 U.S.C. 200, which provides that, in the case of a project grant, no amount may be recorded as an obligation of the Government unless it is supported by documentary evidence that the grant was made "pursuant to an agreement authorized by, or plans approved in accord with and authorized by, law." The Comptroller General ruled that the requirement of the statute had not been met since the incapacity of one of the parties vitiated the grant agreement. Moreover, the grant had not been approved in accordance with § 242 of the Economic (cont'd)

Although the Terms and Conditions under ESAP (35 F.R. 13445-48) contain a termination clause, this clause would appear inapplicable to the case of an unauthorized grant. The clause covers cases where "the Grantee fails to carry out its approved project proposal in accordance with applicable law and the terms of [the] grant" and speaks in terms of costs which "would have been allowable" but for the termination. In the case of a grant which never should have

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5/ (cont'd) Opportunity Act (governor's approval) and, therefore, was not made pursuant to plans approved in accord with and authorized by law. The Office of Economic Opportunity was directed to remove the obligation recorded as a result of the grant.

6/ Compare 40 Comp. Gen. 679 (1961) (Government procurement contract the award of which was not authorized by the governing procurement statute (10 U.S.C. § 2305) is illegal and must be canceled, notwithstanding contracting officer's approval); 44 Comp. Gen 221 (1964). These cases reject the notion that the Government is estopped from cancelling an unauthorized contract by the action of its contracting officer in approving the contract. See Utah Power and Light Co. v. United States, 243 U.S. 389, 409 (1916); Federal Crop Insurance v. Merrill, 332, U.S. 380, 384 (1947) (contractor charged with notice of all statutory and regulatory authority limitations on contracting officer). Such estoppel would seem unavailable whether the basis for the invalidity of the contract is a failure to comply with

(cont'd)

been made, it is not the circumstances of the performance but the basis upon which the grant was made that is in question. 7/ In such a situation, no costs "would have been allowable."

Certain procedural incidents should attend the annulment of an unauthorized grant. Although the termination clause with its assurance of notice and opportunity for a hearing to the grantee may not be directly applicable to the case of the void grant, the grantee (in addition to being given notice and a statement of reasons for the annulment of the grant) should be given an opportunity to show cause why the action should not be taken (including an appearance before concerned OE officials).

(b) Specific performance. Nothing the grantee of an unauthorized grant can do can rectify the circumstances which makes his grant void *ab initio*. Accordingly, specific performance is not an appropriate remedy in this case.

(c) Recovery. If funds have been paid out under an unauthorized grant, they have been paid out without authority of law. Accordingly, it appears that the Commissioner would be obliged to attempt to recover such

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6/ cont'd. a specific statutory provision or with regulations adopted pursuant to statute. *Prestex Inc. v. United States*, 320 F.2d 367, 371 (Ct. of Cl. 1963); *Schoenbrod v. United States*, 187 Ct. Cl. 621, 410 F.2d 400 (1969) (government contract for purchase of sealskins, entered into following negotiations which did not comply with procurement regulations, was invalid and its subsequent cancellation by the government was not a breach of contract).

7/ Cf. 6A Corbin on Contracts § 1444 at p. 449 (1962); *Kulukundis Shipping Co. v. Amtorg Trading Corp.*, 126 F.2d 978 (2nd Cir. 1942).

funds under the procedures set forth, pursuant to the Federal Claims Collection Act of 1966, 31 U.S.C. 951-53, in 4 CFR Parts 101-105 (Tab B). [8] Briefly, this would involve administrative requests for payment of claimed funds and referral to the GAO or the Department of Justice, as appropriate, if such requests proved fruitless.

II. Breach of Condition or Assurance

Let us assume that an ESAP grant is made to an LEA and, at the time it is made, it is perfectly valid. Subsequent to the making of the grant, the grantee commences a course of conduct which is in violation of one (or more) of the assurances which the grantee made as a condition to receipt of the grant (45 CFR § 181.6).

The condition may be one which the Commissioner has imposed under regulation in the exercise of his discretion to administer the program and the violation of the condition is a continuing one (e.g., in-school discrimination) or the breach may involve a failure to comply with an act which the grantee was to perform as of a certain date (e.g., establishment of an advisory committee, or publication of the proposal within 30 days, 45 CFR § 181.6(a)(4)(viii)). [9]

The following remedies are pertinent:

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[8] Memorandum Education Division, OGC, to Dr. Grant Venn, Associate Commissioner, Bureau of Adult, Vocational and Library Programs re certain grants under Title II-A HEA (May 6, 1969) (G:OE HEA Title II file); memorandum, Harry J. Chernock, Acting Assistant General Counsel (Education Division) to Dr. Venn re certain grants under Title II-A, HEA (January 31, 1968) (same file).

[9] As indicated above, breach of an assurance based on the Mondale Amendment (as it applies to future transactions), 45 CFR § 181.6(a)(4)(iv)(b), is treated separately (See infra, p.21).

(a) Termination. Breach of a grant condition would be a legal basis for termination of the grant, although the materiality of the condition, the circumstances of the breach, and question of whether it was continuing would be relevant issues with respect to whether termination proceedings should be initiated or sustained.

1. Termination of an ESAP grant is authorized by paragraph (11) of the ESAP Terms and Conditions (35 F.R. 13445-48) which, as indicated above, specifies that remedy in cases where the grantee fails to carry out its approved project in accordance with law and the terms of the grant.10/ Under paragraph (11), a grant may not be terminated "unless the grantee has been given reasonable notice and an opportunity to show cause why such action should not be taken, and has been afforded reasonable notice and opportunity for a full and fair hearing." These notice and hearing provisions

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10/ Termination. a. Grants may be terminated in whole or in part by the Government in the event the Grantee fails to carry out its approved project proposal in accordance with applicable law and the terms of this grant. No grant shall be terminated unless the Grantee has been given reasonable notice and an opportunity to show cause why such action should not be taken, and has been afforded reasonable notice and opportunity for a full and fair hearing.

b. Termination shall be effected by delivery to the Grantee of a written notification thereof, signed by the Grants Officer.

Financial obligations incurred by the Grantee prior to the effective date of the termination will be allowable to the extent they would have been allowable had the grant not been terminated. The Grantee agrees to furnish the Grants Officer within sixty (60) days of the effective date of termination an itemized accounting of funds expended, obligated, and remaining under the grant. The Grantee also agrees to remit within thirty (30) days of the receipt of a written request therefor any amounts found due.

are required by statute. 11/ Accordingly, the adjudicatory procedures of the Administrative Procedure Act appear to be applicable. 12/ Generally speaking, these procedures involve a hearing presided over by the Commissioner or a hearing examiner, an opportunity to submit proposed findings, conclusions and briefs to the examiner, and a right of appeal to the Commissioner from an initial adverse decision of the examiner. 13/

2. Termination proceedings would be initiated by a notice to the grantee that the Commissioner had decided to terminate, stating the basis for that determination, and advising the grantee of his procedural rights. 14/ Can assistance under the grant be suspended following this notice and pending completion of the termination proceedings? 15/

11/ Economic Opportunity Act of 1964, § 604(3).

12/ 5 U.S.C. § 554; see Springfield Airport Authority v. C.A.B., 285 F.2d 277 (D.C. Cir. 1960).

13/ Procedures set forth for termination of grants under Title II of the Economic Opportunity Act (45 CFR § 1009 (1970)) are inapplicable by their own terms to non-OEO Title II programs and are apparently made inapplicable to the ESAP Program by the ESAP regulations themselves (45 CFR pt. 181 (preamble)). CFR does not contain any general overall administrative procedural rules for use in cases of OE grant termination. (It would appear that, quite apart from the needs of ESAP, development and publication of such a set of procedures would be useful. Cf. 45 CFR Pt. 81; 45 CFR Pt. 106.)

14/ Prior negotiation to obtain compliance may also be appropriate. Compare the OEO regulations in 45 CFR Pt. 1009.

15/ Cf. 45 CFR § 1009.4. (The question is a practical one. If grant obligations may continue to be incurred during the pendency of termination proceedings,
(cont'd)

The following language in paragraph (11) of the Terms and Conditions is pertinent:

> Financial obligations incurred by the Grantee prior to the effective date of the termination will be allowable to the extent they would have been allowable had the grant not been terminated.

This language advises the grantee that costs incurred prior to termination which are for valid grant purposes will be allowed up to the date of termination. In other words, the grantee is assured that its authority to incur obligations which are within the terms of the grant and which give rise to "allowable costs" will not be stopped until a termination becomes effective in accordance with the procedures set forth in the Terms and Conditions (notice and hearing). Suspension of assistance under the grant would be inconsistent with this assurance given the grantee and, therefore, does not appear to be an available remedy.16/

15/ cont'd. and, if these proceedings are lengthy, the grant funds may all be committed before the termination becomes effective).

16/ As more fully set forth below, in certain cases where breach of condition so pervades the project that it can be said that the carrying out of the project is not in accordance with the purpose of the program, it may be open to the Commissioner to determine that overpayments have been made and to make necessary adjustments in the rate of quarterly payments to reflect such overpayments.

(b) Specific performance. An alternative remedy in the face of continued non-compliance with a grant condition is a suit for specific performance of the condition on the basis of the Frazer doctrine. 17/ Where a court suit under the Fourteenth Amendment is pending against the district, a suit for specific performance might be consolidated with the civil rights suit (we would have to coordinate with the Department of Justice on this approach). The chief advantage of specific performance is that it does not require grant termination and thus a cut-off of funds.

(c) Recovery of funds. The rule stated in paragraph (11) with respect to allowability of obligations incurred prior to termination for a breach of condition would foreclose any recovery of payments under the grant except in the case of unallowable costs. This provision apparently reflects the traditional formulation applied by the Department in grant cases that only funds expended for an unauthorized purpose (as distinguished from funds

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17/ In United States v. Frazer, 297 F. Supp. 319 (M.D. Ala. 1968), the United States, acting through the Attorney General, brought suit for specific performance to enforce Federal requirements that the States follow merit personnel standards as a condition of their receiving Federal grants under a variety of grant programs. Against a challenge to the right of the United States to maintain the action, the court held that the United States does have authority to enforce, by a judicial proceeding, the terms and conditions of grants of Federal property. The remedy of termination, in the court's view, was not intended to be exclusive (297 F. Supp. at 522). The court proceeded on the theory that grant conditions attach to the grant and acceptance by the grantee creates an obligation to perform the condition. See Dec. Comp. Gen., B-149441, December 6, 1962 (unpublished); Dec. Comp. Gen., B-152505, January 30, 1964 (unpublished).

expended in an unauthorized manner) are subject to an "audit exception" and may be recovered. 18/

III. Misrepresentation

There may be cases where the grantee has made material misrepresentations in order to secure an ESAP grant. If, based on the true facts, it develops that the grant was unauthorized because the statutory eligibility requirements are not met, then the procedures stated under item I above would apply. However, let us assume that the misrepresentations go to an assurance which is

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18/ See our October 14 memorandum on the Mondale Amendment, and the 1949 memorandum, cited supra note 1. Compare the following language in Dec. Comp. Gen., B-149441, December 6, 1962: "It is our view that these grants-in-aid are not statutory unconditional grants or gifts and may not be so made by administrative action. The offeree is free to accept or reject the grant. The acceptance of the grant creates a contract, between the United States and the grantee under which the moneys paid over to the grantee, while assets in the hands of the grantee, are charged with the obligation to be used for the purposes and subject to the conditions of the grant. Clearly, the United States has a reversionary interest in the unencumbered balances of such grants, including any funds improperly applied. It is the responsibility of the Department for seeing that the grant funds are applied to the purposes and objects for which made, whether the grant is made for specific objects of expenditure such as teachers' salaries, books, equipment, et., or for the general support of the school." (Emphasis added.)

not a prerequisite of eligibility. In this case, the grant would seem voidable19/ rather than void.20/

IV. Use of Funds for an Unauthorized Purpose

Let us assume that a valid grant is made, and the grantee complies to the letter with all the assurances set forth in 45 CFR § 181.6. However, the grantee spends funds on objects which are not those described in its project application and which are not authorized under the program regulations. (For example, let us assume that project funds are used to construct a school or are used

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19/ Compare I Corbin on Contracts § 6 (1962) (misrepresentation affords a basis for avoiding contract). Authority for the proposition that a grant partakes of the nature of a contract can be found in the Comptroller General decisions cited *supra* notes 17 and 18, although the same decisions also treat such grants as imposing trust type obligations on the grantee.

20/ See also 31 U.S.C. 231 (liability of persons making false claims upon or against any department or officer of the United States) and 18 U.S.C. 1001 (criminal penalties for false statements with respect to matters within the jurisdiction of a department of the United States).

to hire new teachers in schools not part of the desegregation plan or to purchase equipment not authorized under the project application.)

Termination of the grant for failure to comply with the grant condition that funds be spent only for authorized purposes and only to cover costs conforming to the approved project proposal (45 CFR § 181.4; Terms and Conditions, paragraph 4) is, of course, an available remedy.21/ Moreover, it would appear that following termination, recovery of funds devoted to the unlawful purpose prior to termination would be in order under paragraph 11, of the General Terms and Conditions, since the "financial obligations" to which such funds were applied would not have been allowable even if the grant had not been terminated. In effect, the use of the funds is a diversion and is appropriately the subject of an audit exception and recovery.22/ The matter can also be put in terms of the notion that "the United States has a reversionary interest in the unencumbered balances of [Federal grants-in-aid made for specific purposes], including any funds improperly applied".23/

Presumably, specific performance would be, in theory, available to require the grantee to stop making the unauthorized expenditures, but it is hard to see where this remedy is likely to be more effective than termination, or a threat thereof, and proceedings to recover the funds.

21/ See text *supra* pp. 7-10.

22/ See § 424 of the General Education Provisions Act (20 U.S.C. § 1232c (Supp. Sept. 1970)). See 1949 memo, *supra* note 1, at 4 (a diversion is a use beyond the limitations that characterize the substance of a program and provides a basis for an audit exception).

23/ *Dec. Comp. Gen.*, B-149441, December 6, 1962 (unpublished) (emphasis added). See note 18 *supra*.

Payment Adjustments.

As indicated above (p.10), an outright deferral or suspension of grant assistance pending termination is not an available remedy in the case of a breach of condition or unauthorized expenditure. However, under certain circumstances, the Commissioner's periodic payments to a grantee, may be adjusted downward to reflect previous payments which have been used for an unauthorized purpose.

Section 425 of the General Education Provisions Act (20 U.S.C. § 1232d (Supp. Sept. 1970)), which is applicable to ESAP, states:

> Payments pursuant to grants or contracts under any applicable program may be made in installments, and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments, as the Commissioner may determine.24/

Neither the ESAP regulations, the ESAP terms and conditions, nor the Grants Administration Manual make specific reference to the manner in which payments are to be made. It appears that the making of payments by way of installments is designed to enable the grantee to meet grant obligations as they arise. The applicable form (Form OE 5141, 8/69) is entitled, "Quarterly Estimated Requirements for Federal Cost", and requests

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24/ For OGC opinions considering the nature of an "overpayment," see letter from Alanson Willcox to John W. Douglas, June 11, 1965, re Fraud Claim for Reimbursement under Title III, NDEA; memo, Michael A Wyatt to Norman Brooks, January 3, 1967, responsibility of Iliff School to reimburse its Federal College Work-Study fund for payments to certain students.

the grantee to specify a date by which the "estimated cash is _needed_". 25/ Payment of installments should, therefore, reflect the needs of the grantee for additional funds to carry on the program as authorized under law and the terms of the approved project.

Accordingly, if funds previously paid to a grantee have been used for a clearly unauthorized purpose and the grantee submits a request for additional funds to meet future needs, the previous payments must be taken into account as if they had not been spent. The previous payments may be treated as an "overpayment" which gives rise to an appropriate adjustment by the Commissioner within the meaning of § 425 of the General Education Provisions Act (quoted above).26/

Let us consider the application of these principles to several examples:

(1) A grant is approved for a remedial reading project (as set forth in the grantee's application) for children in a school paired pursuant to a desegregation plan. The Commissioner determines that project monies are being put to an unauthorized use because the remedial programs are carried on in a different school not affected by the desegregation plan. If the LEA corrects this problem, and

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25/ (Emphasis supplied.) See paragraph 8 of the terms and conditions, which cross references OE Forms 5140 and 5141 (attached Tab C).

26/ This theory would also appear to find support in the Comptroller General's observations that the United States has a reversionary interest in grant funds which have been "improperly applied", these funds simply being treated as part of the "unencumbered" balances which are subject to that interest.

the Commissioner desires to continue the grant, prior payments with respect to the project covering the period of unauthorized use may be taken into account as unexpended funds in determining the grantee's "needs" for further payments under the continuing grant. In effect, the funds used by the grantee for the unauthorized purposes are treated as diverted funds[27/] giving rise to a potential audit exception which may be remedied by an appropriate adjustment to future payments.

If the grantee, while changing its program to conform with the Commissioner's view as to the proper use of funds, disputes the Commissioner's determination that previous payments were used for an unauthorized purpose, then it is entitled to the procedures normally incident to the taking of an audit exception. However, the procedural problem does not obviate the availability of the remedy of set-off against future payments.

The adjustment of payments remedy would also appear available where termination proceedings were being pursued on a ground independent from that upon which the adjustment for overpayment was based.

[27/] See generally 1949 memo supra note 1. Application of this principle may, as a practical matter, be complicated by internal organization procedures with regard to the conduct of audits. (See Org. Manual 2-670.)

(2) Let us suppose that the Commissioner decides to terminate the grant because the grantee is continuing to make unauthorized expenditures despite the admonitions of the Commissioner (failure of the grantee to carry out the project in accordance with its terms). That the transaction gives rise to conformity proceedings as well as to an audit exception again should not prevent proper adjustments to reflect overpayments.28/

(3) A more difficult problem is encountered where the manner in which the ESAP project is being carried out is so at odds with the program purposes, that in effect funds are being spent for an unauthorized purpose and thus have been diverted. In such cases, the line between breach of condition giving rise to termination and diversion of funds giving rise to audit exception would seem to vanish.

For example, assume that the grantee conducts the remedial reading project in the paired school but the school is characterized by complete in-school segregation within the meaning of 45 CFR § 181.6(a)(4)(vii). Depending on the circumstances, it may be said that the manner in which the project is being carried is so inconsistent with the purpose of the ESAP program (45 CFR § 181.2) that the activity (although nominally allowable) is not authorized within the meaning of the regulations (45 CFR § 181.4).29/

If this is the case, under the foregoing principles, any payments to the grantee for carrying out the project during the period in which it engaged in the in-school discrimination could be considered as unused funds in the grantee's possession for the purposes of determining future payments, whether the grantee corrects the situation and is left to continue the grant or termination of the grant is sought.

28/ This memorandum does not deal with the extent to which or the manner by which a grantee using funds for an unauthorized purpose may be compelled, as a condition to continuation of the grant, to perform the services which would have been performed had the diversion not taken place.

29/ Section 181.4 provides that projects assisted under the program must be "designed to contribute to (cont'd)

While in theory the above principles may be sound, it may be difficult to determine in each case whether the manner in which a grant was conducted was so inconsistent with the grant purposes as to give rise to an audit exception. Does the principle apply to a violation of the advisory committee rule, or to a case where the cafeteria but not the remedial reading classroom is segregated, or to a case where faculty discrimination is alleged?

These difficulties notwithstanding, it would appear that the legal basis for payment adjustments to reflect diversions is sound and that you should be aware of these possibilities in the administration of the ESAP program. In particular cases, should you feel that applications of the foregoing principles might be appropriate, we would be glad to be of assistance in considering the matter further.

29/ achieving and maintaining desegregated school systems. . .". Section 181.2 describes the purpose of the program.

V. Mondale Amendment

Violations of the Mondale (transactions with private schools) Amendment during the pendency of a grant give rise to special problems and are therefore treated separately.

1. Let us assume that, following the award of its ESAP grant, an LEA commences the lease of property to a private school practicing discrimination on the basis of race or donates or sells its property or services to such a school." The Mondale Amendment to P.L. 91-380 added a proviso to the ESAP appropriation the effect of which is to preclude the use of funds appropriated under that act to assist a school district which "engages" in such a transaction. This prohibition is reflected in the ESAP regulations, 45 CFR § 181.6(a)(4)(iv), under which an LEA applying for ESAP assistance is required to provide, in its application, satisfactory assurance that it will not engage in such a transaction. Engaging in such a transaction thus constitutes a failure to carry out an approved project in accordance with applicable law, and, therefore, affords a basis for termination of the grant under paragraph 11 of the Terms and Conditions. 30/

2. Moreover, it appears to us that an ESAP grant must be terminated where the grantee has, after award of the grant, donated, leased, or sold property or services under circumstances proscribed by the Mondale Amendment, at least where the transaction cannot be successfully undone. 31/ That Amendment, by restricting the use of funds to those LEA's which do not engage in the prohibited transactions, in effect sets up a continuing condition of eligibility for receipt of assistance under an ESAP grant; to remain eligible for that assistance, the grantee must

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30/ See text *supra* pp. 8-10.

31/ See our October 14 memorandum at p. 8.

refrain from engaging in a transaction prohibited by the Mondale Amendment during the pendency of the grant. Having engaged in such a transaction, by the terms of the appropriation act itself, the grantee may no longer receive assistance paid for out of the appropriation. Were the rule otherwise, a grantee could give or sell property to a private "segregation academy" and still continue to receive assistance under the ESAP appropriation, a result which seems to run counter to the statutory prohibition in P.L. 91-380.

Moreover, if we construed the statute as permitting a grantee which had, after the award, given or sold property to a segregation academy to continue to receive assistance, we would in effect read the two aspects of the Mondale Amendment differently. The Mondale Amendment provides that no part of the funds appropriated for emergency school assistance may be used to assist an LEA which either "engages" or "has unlawfully engaged" in a proscribed transaction. We read the "past transaction" aspect of the amendment as mandating the ineligibility of an LEA if it has engaged in any such transaction determined to be unlawful under the criteria set forth in our October 14 memorandum. (See 116 Cong. Rec. S 9898, daily ed., June 25, 1970 (colloquy between Senator Mondale and Senator Stennis).) If we maintained that a post-award future transaction which violated the amendment did not require disqualification, we would in effect be applying a different and somewhat easier test in this respect to the future transactions than we did to the past, an anomalous result, in view of the apparent sentiment in the Senate at the time the Mondale Amendment was debated that its past or retroactive bite was more disquieting than its effect on future transactions (see 116 Cong. Rec. S 9899, June 25, 1970, remarks of Senator Stennis). Accordingly, we view termination in the case of a Mondale Amendment violation after grant award as mandatory. 32/

32/ By way of analogy, as indicated above, pp. 3-6, if an ESAP award was made by error to an LEA (cont'd)

3. There remains for discussion the degree, if any, to which the termination of a grant for a Mondale Amendment violation affects the flow of ESAP funds to an LEA with respect to obligations incurred under an ESAP grant prior to termination. As indicated above, under the General Terms and Conditions allowable costs incurred

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32/ cont'd. which had unlawfully engaged in a transaction proscribed by the Mondale Amendment, prior to award, we would be obliged, after discovery of the situation, to annul the grant as unauthorized.

By the same token, the carrying out of a forbidden transaction after award should lead to a similar result. The above conclusions are consistent with the view that we have taken of analogous prohibitions in appropriations forbidding the use of funds for Federal financial assistance to students who engage in disruptive conduct. Section 411 of the Department of Health, Education, and Welfare Appropriations Act, 1969 (P.L. 90-557) prohibited the use of funds appropriated under that Act for a loan, guarantee of a loan, or a grant to an applicant convicted by any court of general jurisdiction of certain crimes aimed at disrupting institutions of higher education. Our Division has taken the position that, while primary responsibility for enforcement of the section might be placed on the institutions administering the assistance, the Department would be obligated to disallow charges against funds appropriated by the 1969 act for amounts expended by an institution in violation of § 411 (memo from Harry J. Chernock, Assistant General Counsel for Education to Albert L. Alford, Assistant Commissioner, Office of Legislation, March 17, 1969); we also took the view in informal advice that upon receipt of specific information as to the continued eligibility, under section 411, of an applicant for grant assistance, an institution would be expected to make inquiry and to take action accordingly to terminate affected benefits.

under an ESAP grant prior to termination must be reimbursed with grant funds. The issue thus becomes whether obligations incurred after the Mondale Amendment has been violated but before termination give rise to "allowable costs" for this purpose. Since funds appropriated to carry out the ESAP program may not be used to assist an LEA which engages in a transaction forbidden by the Amendment, we think that obligations incurred by a grantee after it engages in such a transaction are not allowable costs and that ESAP funds expended to cover such obligations would be subject to audit exception. We believe that the statutory restriction on use of appropriated funds requires this result. To put the matter another way, once an LEA has disqualified itself by engaging in a transaction forbidden by the Amendment, its costs may not be covered with ESAP funds.

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cc: Mr. Hastings
Mr. Barrett
All Assistant General Counsels
Mr. F ttinger
Dr. Bell
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Mr. Powers
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Miss Gregory
Mr. Jim Moore
Miss McCorkle

TAB A

WASHINGTON, D.C.,

JULY 26, 1949.

Mr. ALAN W. WILLCOX,
General Counsel.

Joseph Meyers,
Leonard Lesser,
Edward J. Rourke.

Preliminary report of Committee on "Audits"—Federal-State grants-in-aid—legal basis for Federal assertion that certain types of State grantee action create a money obligation for which State must account (FC 3000).

As the Committee understands its assignment, it is to explore in general the conditions under which there is legal support for assertions by the Federal Security Agency as grantor that State grantee action has created a "debt" or a money obligation for which the grantee must account. The Committee has not considered what remedies or sanctions may be available once such an obligation is established.

The Committee has discussed various considerations and has reached certain tentative conclusions. These are called to your attention now for discussion purposes. There is some question in the Committee's mind whether further needed exploration of the problem can be done effectively by a committee; or in fact whether a unified approach is feasible in view of the diverse statutory provisions. The immediate need is for a testing of the tentative conclusions against the specific statutory provisions controlling the programs in question.

Use of term "audit exception"

There is need for a more uniform use, and a more precise understanding, of the term "audit exception". It has been used indiscriminately to refer to matters that differ legally in substantial respects. For example, administrative practice has included taking an "audit exception" to State action in failing to produce evidence of a particular kind in support of an expenditure even though there was no indication that a misexpenditure had occurred. Again, "audit exception" was used to report a State fiscal practice that was defective in its failure to make use of ordinary controls that would reduce the risk of misappropriation even though in the particular instance it was admitted that there had been no misappropriation. As used herein, "audit exception" applies only to the process by which the Federal grantor asserts that a money obligation arises or a financial adjustment should be made.

General Characteristics of the Federal grant-in-aid programs

The Committee has not made a review of the various statutory and regulatory provisions that establish and govern the Federal administration of the several grants-in-aid programs of the Agency. It has assumed that the following general characteristics obtain as to all programs:

(1) Funds are granted upon express conditions binding on the grantee, such conditions usually relating both to the "program" purposes for which the funds may be used and also to the grantee's methods of administration.

"(2) Authority is vested in the Federal grantor to exercise a certain degree of judgment as to the amount of Federal money "necessary" to enable the grantee to meet the cost of administration of the program.

(3) There is included specific conditions and procedures on the basis of which the grantee's participation in the program in whole or in part, may be suspended or terminated.[1]

Tentative conclusions

On the basis indicated above, the Committee has reached the following tentative conclusions. They are presented according to the type of State-grantee action involved.

I. VIOLATION OF STATE LAW

The Committee suggests that in general the fact that a State expenditure is in violation only of State law, is not a basis legally for a Federal audit exception. This view is based on the position that no Agency grant-in-aid statute endows the agency with authority to supervise and enforce the extent of State compliance with its own law. Violation only of State law is essentially irrelevant to the Federal function; in many cases such violations are more in accord with Federal program objectives than compliance. The fact that funds involved in a violation had a Federal source is not significant unless the State is to be reduced to the position of mere agent or conduit. If a particular provision of State law is validly incorporated into Federal requirements, different questions arise.

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[1] This is not true of grants under section 8(a) of the Water Pollution Control Act nor under part B, title V of the Social Security Act (Child Welfare Services).

It is acknowledged that in programs where the amount of funds granted is that which is necessary for the "proper" and efficient administration of the State law or plan, the view has been taken by the Office of the General Council that the Federal agency could reasonably determine that an expenditure illegal under State law is not one necessary for "proper" administration. The Committee tends to the view that it is more sound to consider that the words "proper" in this context was merely intended to permit judgment as to State administration more broad than would be permitted by the term "efficient", but was not intended to authorize imposition on two States of a Federal concept of propriety as to matters having no necessary relation to the Federal program objectives and conditions as expressly set forth in the Federal acts. "Proper" administration might well require adequate State provision for, and funds to enforce State penalties for violation of State law, but it is questionable whether such a Federal judgment supports adding Federal "penalties" to those of the State.

II. VIOLATION OF FEDERAL REQUIREMENTS OR "STANDARD"

As used here, Federal requirements or standards means nothing more specific than any authorized condition or rule established by Congress or the Agency to govern State use of granted funds and State administration of program. The Committee feels it advisable to attempt to divide violations here ino three categories; the first will be called "Diversions", the second, "Unnecessary Expenditures", and the third will be called "Expenditures Associated with Noncompliance or Nonconformity as to Administrative Method." Under each heading there is a discussion of the sense in which each is used. The Committee is not completely satisfied with the analysis implied by these headings and recognizes an obligation to achieve a classification both mutually exclusive and jointly exhaustive.[2]

A. DIVERSIONS

"Diversion" is used here to apply to those grantee expenditures beyond the scope of the program and for purposes other than the program purposes for which the funds are granted. To define by general example, no "diversion" is considered to exist if more funds are spent for a proper program purpose than the Federal grantor has said was "necessary". Nor is there necessarily any "diversion" in the expenditure of Federal grant funds to meet the expenses of administration in violation of a Federal standard governing methods of administration. Diversion is considered simply a use beyond the limitations that characterize the substance of a program. For specific example, to pay old age assistance to a person not found by the State agency to be 65 is a diversion since the age of the recipient here is a basic definitional aspect of the program.

The Committee has no doubt that in cases of diversion, an audit exception is legally well founded. The specific sum diverted is automatically the measure of the loss to the program.

B. UNNECESSARY EXPENDITURES

These are in general expenditures contrary to some fiscal or other standard adopted by the Federal agency to implement, and to fix the measure of the amount of Federal funds "necessary" to carry out the program. In the context being considered, an unnecessary expenditure is not necessarily a diversion although it may be true that all diversions are unnecessary expenditures. But money in excess of a fiscal standard may still be spent for legitimate program purposes. For example, if there be a limit of $1,000 on the amount permitted for the purchase of an automobile for official program use, then the expenditure of $1,500 is to the extent of the excess unnecessary even though the vehicle is still used solely for program purposes. Unnecessary expenditures may include not only expenditures in excess of the prescribed amount, but also expenditures for items or matters that, while they may be used exclusively to serve the needs of the grant program, are considered unnecessary in their entirety to its proper or efficient administration.

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[2] For example, no express consideration is given herein to the situation of outright loss of funds by theft or catastrophe.

While there may or may not be a difference between this last category of unnecessary expenditures and a true diversion, it is not new material for the Committee's purpose to determine since the Committee agrees that an audit exception is legally supportable as to expenditures contrary to an authorized fiscal standard. As long as the federal agency has discretion to measure the amount to be paid and used, such Federal authority is appropriately endorsed by audit exception.

C. EXPENDITURES ASSOCIATED WITH NONCONFORMITY OR NONCOMPLIANCE AS TO METHODS OF ADMINISTRATION

In addition to prescription by law of the specific program purposes for which the granted funds must be used, most if not all programs include other express conditions to the grant. Generally, both the grantee's law or plan must "conform" to these conditions and the administration in fact must "comply" at the express risk of having his participation terminated or suspended.

The type of condition herein involved has no necessary relation to the distinguishing characteristics of the program or directly with its substantive purposes. In fact, it is in this area often that the conditions are either identical or similar for several of the Agency programs. These conditions relate largely to securing preferred methods of grantee operation or to assuring sufficient information to the grantor to permit it to administer the Federal act. Types of such conditions are:

(1) Opportunity for a "fair" hearing to beneficiaries whose claims have been denied
(2) Methods of operation, including merit system of personnel administration, to assure proper and efficient administration of the grantee's law or plan.
(3) Assuring confidentiality of information relating to beneficiaries
(4) State-wide operation
(5) Single State agency responsible for administration
(6) Making reasonable reports and supplying information to the grantor
(7) Requiring certain specific practices in depositing, accounting, or other handling of funds granted

It is useful here first to express the Committee's tentative conclusions under two separate headings, and then to discuss the problems involved:

(1) *Expenditures in the administration of deviations from Federal standards not in accordance with the grantee's law or plan*

Here the State law or plan deviates from Federal requirements but not so substantially as to require a finding of nonconformity. Expenditures in the administration of the deviations are lawful under the State law. The Federal discretion has operated in favor of a finding of substantial conformity. It is the Committee's view that an audit exception is not legally supportable.

(2) *Expenditures in the administration of deviations from Federal standards are contrary to the grantee's law or plan*

Here the State law or plan complies without deviation from Federal requirements but in fact the grantee's administration deviates both from such law or plan and from the Federal requirement. With loss unanimity, the Committee tends to the view that since by definition the expenditure is "necessary" as previously discussed, an audit exception is not supportable.

The general basis for this view is that since the violation of State law alone is irrelevant, there is left only a lack of compliance in administrative method. This lack is, by assumption, not so substantial as to require a termination of the grantee's participation. If so, there is nothing legally significant that would distinguish this situation from that in which the State law or plan deviates but also in a non-substantial way.

Discussion

It is in this area that, in spite of similarity among programs in the administrative standards, significant differences may exist in the Federal authority pertinent to the audit process. The Employment Security program, for example, is based on statutory provisions that may legally justify different results than those indicated above.

In general, however, the difficulty in sustaining an audit exception in this area is suggested by the necessity of characterizing the expenditure as one "associated with a deviation." The fact is reasonably clear that the actual expenditure of funds is not itself contrary to any Federal requirement; the situation is thus unlike the case of a deviation or of an unnecessary expenditure. For example, salary payments to an individual whose position is necessary to carry out the program and the amount of which is not in excess of what is necessary, do not violate any Federal requirement even though the individual was selected on a basis differing from that required by the merit system standards. Here the salary funds are not misused or misappropriated in any normal sense. It is the selection and appointment process, not the performance of services, that violates the requirements.

Second, there is no necessary relationship between the deviation and the amount to which an exception is usually taken. In the illustration above, the salary amount has no necessary relationship in fact to the "harm". Even if we assume that it would be reasonable for the Federal agency to declare that an appointment deviating from the standards results without more evidence in less qualified personnel, it would not be reasonable in the absence of other evidence, to say that the appointee's services are of no value so that an exception to the entire salary would be taken. The Committee doubts any Federal authority to evaluate the harm in terms of the degree in which the incumbent is doing as satisfactory a job as would a person appointed under the merit system. If the situation is not evaluated in these terms, however, the audit exception to the total salary payment would then be not a matter of provable loss or even damage but of assessment of a penalty. There is no authority for such a penalty.

Third, if an audit exception applies as to one administrative method provision, it would legally be applicable to all administrative method requirements. As far as we are aware, it has not been so applied by the Agency. To consider the possibilities illustrates the difficulties. For example, the expense of maintaining necessary records would not presumably be subject to an audit exception merely because the records were made available in terms inconsistent with the Federal requirement of confidentiality. It is true that expenditures solely for the purpose of making such records improperly available might well be considered "unnecessary" or even possibly a "deviation" to the same extent that excessive salary payments or payments to a person not performing services for the program might be considered respectively either "unnecessary", to the extent of the excess, or a deviation.

It is the Committee's general feeling that the grant programs contemplate two distinct types of Federal control. The first is fiscal control directed by means of audit conceptions to preventing of recouping diversions and unnecessary expenditures; the second is control of administrative method by evaluation of operations to determine whether the grantee should be permitted to continue participation in the program. The fact that the consequence in the second case is likely to be drastic does not justify application to the second area of the controls appropriate only to the first.

TAB B

CHAPTER II—FEDERAL CLAIMS COLLECTION STANDARDS (GENERAL ACCOUNTING OFFICE—DEPARTMENT OF JUSTICE)

Part

101 Scope of standards.
102 Standards for the administrative collection of claims.
103 Standards for the compromise of claims.
104 Standard for suspending or terminating collection action.
105 Referrals of GAO or for litigation.

PART 101—SCOPE OF STANDARDS

Sec.

101.1 Prescription of standards.
101.2 Omissions not a defense.
101.3 Fraud, antitrust, and tax claims excluded.
101.4 Compromise, waiver or disposition under other statutes not precluded.
101.5 Conversion claims.
101.6 Subdivision of claims not authorized.
101.7 Required administrative proceedings.
101.8 Referral for litigation.

AUTHORITY: The provisions of this Part 101 issued under sec. 3, 80 Stat. 398; 31 U.S.C. 952.

Source: The provisions of this Part 101 appear at 31 F.R. 16882, Oct. 15, 1966, unless otherwise noted.

§ 101.1 Prescription of standards.

The regulations in this chapter, issued jointly by the Comptroller General of the United States and the Attorney General of the United States under section 3 of the Federal Claims Collection Act of 1966, 80 Stat. 398, prescribed standards for the administrative collection, compromise, termination of agency collection action, and the referral to the General Accounting Office and to the Department of Justice for litigation, of civil claims by the Federal Government for money or property. Regulations prescribed by the head of an agency pursuant to section 3 of the Federal Claims Collection Act of 1966 will be reviewed by the General Accounting Office as a part of its audit of the agency's activities.

§ 101.2 Omissions not a defense.

The standards set forth in this chapter shall apply to the administrative handling of civil claims of the Federal Government for money or property but the failure of an agency to comply with any provision of this chapter shall not be available as a defense to any debtor.

§ 101.3 Fraud, antitrust, and tax claims excluded.

The standards set forth in this chapter do not apply to the handling of any claim as to which there is an indication of fraud, the presentation of a false claim, or misrepresentation on the part of the debtor or any other party having an interest in the claim, or to any claim based in whole or in part on conduct in violation of the antitrust laws. Only the Department of Justice has authority to compromise or terminate collection action on such claims. However, matters submitted to the Department of Justice for consideration without compliance with the regulations in this chapter because there is an indication of fraud, the presentation of a false claim, or misreprsentation on the part of the debtor or any other party having an interest in the claim, may be returned to the agency forwarding them for further handling in accordance with the regulations in this chapter if it is determined that action based upon the alleged fraud, false claim, or misrepresentation is not warranted. Tax claims, as to which differing exemptions, administrative consideration, enforcement considerations, and statutes apply are also excluded from the coverage of this chapter.

§ 101.4 Compromise, waiver, or disposition under other statutes not precluded.

Nothing contained in this chapter is intended to preclude agency disposition of any claim under statutes other than the Federal Claims Collection Act of 1966. 80 Stat. 398, providing for the compromise, termination of collection action, or waiver in whole or in part of such a claim. See, e.g., "The Federal Medical Care Recovery Act." 76 Stat. 593, 42 U.S.C. 2651, et seq., and applicable regulations, 28 CFR 43.1, et seq. The standards set forth in this chapter should be followed in the disposition of civil claims by the Federal Government by compromise or termination of collection action (other than by waiver pursuant to statutory authority) under statutes other than the Federal Claims Collection Act of 1966, 80 Stat. 398, to the extent such other statutes or authorized regulations issued pursuant thereto do not establish standards governing such matters.

§ 101.5 Conversion claims.

The instructions contained in this chapter are directed primarily to the recovery of money on behalf of the Government and the circumstances in which Government claims may be disposed of for less than the full amount claimed. Nothing contained in this chapter is intended, however, to deter an agency from demanding the return of specific property or from demanding, in the alternative, either the return of property or the payment of its value.

§ 101.6 Subdivision of claims not authorized.

A debtor's liability arising from a particular transaction or contract shall be considered as a single claim in determining whether the claim is one of less than $20,000, exclusive of interest for the purpose of compromise or termination of collection action. Such a claim may not be subdivided to avoid the monetary ceiling established by the Federal Claims Collection Act of 1966, 80 Stat. 398.

§ 101.7 Required administrative proceedings.

Nothing contained in this chapter is intended to require an agency to omit or foreclose administrative proceedings required by contract or by law.

§ 101.8 Referred for litigation.

As used in this chapter referral for litigation means referral to the Department of Justice for appropriate legal proceedings, unless the agency concerned has statutory authority for handling its own litigation.

PART 102—STANDARDS FOR THE ADMINISTRATIVE COLLECTION OF CLAIMS

Sec.

102.1 Aggressive agency collection action.
102.2 Demand for payment.
102.3 Collection by offset.
102.4 Personal interview with debtor.
102.5 Contact with debtor's employing agency.
102.6 Suspension or revocation of license or eligibility.
102.7 Liquidation of collateral.
102.8 Collection in installments.
102.9 Exploration of compromise.
102.10 Interest.
102.11 Documentation of administrative collection action.
102.12 Additional administrative collection action.

AUTHORITY: The provisions of this Part 102 issued under sec. 3, 80 Stat. 398; 31 U.S.C. 952.

SOURCE: The provisions of this Part 102 appear at 31 F.R. 13881, Oct. 15, 1966, unless otherwise noted.

§ 102.1 Aggressive agency collection action.

The head of an agency or his designee shall take aggressive action on a timely basis with effective followup to collect all claims of the United States for money or property arising out of the activities of, or referred to, his agency in accordance with the standards set forth in this chapter. However, nothing contained in this chapter is intended to require the General Accounting Office or the Department of Justice to duplicate collection actions previously undertaken by any other agency.

§ 102.2 Demand for payment.

Appropriate written demands shall be made upon a debtor of the United States in terms which inform the debtor of the consequences of his failure to cooperate. Three written demands, at 30-day intervals, will normally be made unless a response to the first or second demand indicates that further demand would be futile or unless prompt suit or attachment is required in anticipation of the departure of the debtor or debtors from the jurisdiction or his or their removal or transfer of assets, or the running of the statute of limitations. There should be no undue time lag in responding to any communication received from the debtor or debtors.

§ 102.3 Collection by offset.

Collections by offset will be undertaken administratively on claims which are liquidated or certain in amount in every instance in which this is feasible. Collections by offset from persons receiving pay or compensation from the Federal Government shall be effected over a period not greater than the period during which such pay or compensation is to be received. See 5 U.S.C. 5514. Collection by offset against a judgment obtained by the debtor against the United States shall be accomplished in accordance with the Act of March 3, 1875, 13 Stat. 431, as amended, 31 U.S.C. 227. Appropriate use should be made of the cooperative efforts of other agencies in effecting collections by offset, including utilization of the Army Holdup List, and all agencies are enjoined to cooperate in this endeavor.

§ 102.4 Personal interview with debtor.

Agencies will undertake personal interviews with their debtors when this is feasible, having regard for the amounts involved and the proximity of agency representatives to such debtors.

§ 102.5 Contact with debtor's employing agency.

When a debtor is employed by the Federal Government or is a member of the military establishment or the Coast Guard, and collection by offset cannot be accomplished in accordance with 5 U.S.C. 5514, the employing agency will be contacted for the purpose of arranging with the debtor for payment of the indebtedness by allotment or otherwise in accordance with section 206 of Executive Order 11222 of May 8, 1965, 3 CFR, 1965 Supp. p. 130 (30 F.R. 6469).

§ 102.6 Suspension or revocation of license or eligibility.

Agencies seeking the collection of statutory penalties, forfeitures, or debts provided for as an enforcement aid or for compelling compliance will give serious consideration to the suspension or revocation of licenses or other privileges for any inexcusable prolonged or repeated failure of a debtor to pay such a claim and the debtor will be so advised. Any agency making, guaranteeing, insuring, acquiring, or participating in loans will give serious consideration to suspending or disqualifying any lender, contractor, broker, borrower, or other debtor from doing further business with it or engaging in programs sponsored by it if such a debtor fails to pay its debts to the Government within a reasonable time and the debtor will be so advised. The failure of any surety to honor its obligations in accordance with 6 U.S.C. 11 is to be reported to the Treasury Department at once. Notification that a surety's certificate of authority to do business with the Federal Government has been revoked or forfeited by the Treasury Department will be forwarded by that Department to all interested agencies.

§ 102.7 Liquidation of collateral.

Agencies holding security or collateral which may be liquidated and the proceeds applied on debts due it through the exercise of a power of sale in the security instrument or a non-judicial foreclosure should do so by such procedures if the debtor fails to pay his debt within a reasonable time after demand, unless the cost of disposing of the collateral will be disproportionate to its value or special circumstances require judicial foreclosure. Collection from other sources, including liquidation of security or collateral, is not a prerequisite to requiring payment by a surety or insurance concern unless such action is expressly required by statute or contract.

§ 102.8 Collection in installments.

Claims, with interest in accordance with § 102.10 should be collected in full in one lump sum wherever this is possible. However, if the debtor is financially unable to pay the indebtedness in one lump sum, payment may be accepted in regular installments. The size and frequency of such installment payments should bear a reasonable relation to the size of the debt and the debtor's ability to pay. If possible the installment payments should be sufficient in size and frequency to liquidate the Government's claim in not more than 3 years. Installment payments of less than $10 per month should be accepted in only the most unusual circumstances. An agency including an unsecured claim for administrative collection should attempt to obtain an executed confess-judgment note, comparable to the Department of Justice from USA–70a, from a debtor when the total amount of the deferred installments will exceed $750. Such rates may be sought where an unsecured obligation of a lesser amount is involved. Security for deferred payments, other than a confess-judgment note may be accepted in appropriate cases. An agency may accept installment payments notwithstanding the refusal of a debtor to execute a confess-judgment note or to give other security, at the agency's option.

§ 102.9 Exploration of compromise.

Agencies will attempt to effect compromises preferably during the course or personal interviews, of claims of $20,000 or less exclusive of interest, in accordance with the standards set forth in Part 103 of this chapter in all cases in which it can be ascertained that the debtor's financial ability will not permit payment of the claim in full or which the litigative risks or the costs of litigation dictate such action.

§ 102.10 Interest.

In cases which prejudgment interest is not mandated by statute, contract or regulation, the agency may forego the collection of prejudgment interest as an inducement to voluntary payment. In such cases demand letters should inform the debtor that prejudgment interest will be collected if suit becomes necessary. When a debt is paid in installments and interest is collapsed, the installment payments will first be applied to the payment of accrued interest and then to principal, in accordance with the so-called "U.S. Rule", unless a different rate is prescribed by statute, contract or regulation. Prejudgment interest should not be demanded or collected on civil penalty and forfeiture claims unless the statute under which the claim arises authorizes the collection of such interest.

§ 102.11 Documentation of administrative collection action.

All administrative collection action should be documented and the bases for compromise, or for termination or suspension of collection action, should be set out in detail. Such documentation should be retained in the appropriate claims file.

§ 101.12 Additional administrative collection action.

Nothing contained in this chapter is intended to preclude the utilization of any other administrative remedy which may be available.

PART 103—STANDARDS FOR THE COMPROMISE OF CLAIMS

Sec.
103.1 Scope and application.
103.2 Inability to pay.
103.3 Litigative probabilities.
103.4 Cost of collecting claim.
103.5 Enforcement policy.
103.6 Joint and several liability.
103.7 Settlement for a combination of reasons.
103.8 Further review of compromise offers.
103.9 Restrictions.

AUTHORITY: The provision of this Part 103 issued under sec. 3, 80 Stat. 309; 31 U.S.C. 952.

SOURCE: The provisions of this Part 103 appear at 31 F.R. 13882, Oct. 15, 1966, unless otherwise noted.

§ 103.1 Scope and application.

The standards set forth in this part apply to the compromise of claims, pursuant to section 3(b) of the Federal Claims Collection Act of 1968, 80 Stat. 309, which do not exceed $20,000 exclusive of interest. The head of an agency of his designee may exercise such compromise authority with respect to claims for money or property arising out of the activties of his agency prior to the referral of such claims to the General Accounting Office or to the Department of Justice for litigation. The Comptroller General or his designee may exercise such compromise authority with respect to claims referred to the General Accounting Office prior to their further referral for litigation. Only the Comptroller General or his designee may effect the compromise of a claim that arises out of an exception made by the GeneralAccounting Office in the account of an accountable officer, including a claim against the payee, prior to its referral by that Office for litigation.

§ 103.2 Inability to pay.

A claim may be compromised pursuant to this part if the Government cannot collect the full amount because of (a) the debtor's inability to pay the full amount within a reasonable time, or (b) the refusal of the debtor to pay the claim in full and the Government's inability to enforce collection in full within a reasonable time by enforced collection proceedings. In determining the debtor's inability to pay the following factors, among others, may be considered: Age and health of the debtor; present and potential income; inheritance prospects; the possibility that assets have been concealed or improperly transferred by the debtor; the availability of assets or income which may be realized upon by enforced collection proceedings. The agency will give consideration to the applicable exemptions available to the debtor under State and Federal law in determining the Government's ability to enforce collection. Uncertainty as to the price which collateral or other property will bring at forced sale may properly be considered in determining the Government's ability to enforce collection. A compromise effected under this section should be for an amount which bears a reasonable relation to the amount which can be recovered by enforced collection procedures, having regard for the exemptions available to the debtor and the time which collection will take. Compromises payable in installments are to be discouraged. However, if payment of a compromise by installments is necessary, an agreement for the reinstatement of the prior indebtedness less sums paid thereon and acceleration of the balance due upon default in the payment of any installment should be obtained, together with security in the manner set forth in § 102.3 of this chapter, in every case in which this is possible. If the agency's files do not contain reasonably up-to-date credit information as a basis for assessing a compromise proposal such information may be obtained from the individual debtor by obtaining a statement executed under penalty of perjury showing the debtor's assets and liabilities, income and expense. Forms such as Department of Justice form DJ-35 may be used for this purpose. Similiar data may be obtained from corporate debtors by resort to balance sheets and such additional data as seems required.

§ 103.3 Litigative probabilities.

A claim may be compromised pusuant to this part if there is a real doubt concerning the Government's ability to prove its case in court for the full amount claimed either because of the legal issues involved or a bona fide dispute as to the facts. The amount accepted in compromise in such cases should fairly reflect the probability of prevailing on the legal question involved, the probabilities with respect to full or partial recovery of a judgment having due regard to the availability of witnesses and other evidentiary support for the Government claim, and related pragmatic considerations. Proportionate weight should be given to the probable amount of court costs which may be assessed against the Government if it is unsuccessful in litigation, having regard for the litigative risks involved. Cf. 28 U.S.C. 2412, as amended by Public Law 89-507, 80 Stat. 308.

§ 103.4 Cost of collecting claim.

A claim may be compromised pursuant to this part if the cost of collecting the claim does not justify the enforced collection of the full amount. The amount accepted in compromise in such cases may reflect an appropriate discount for the administrative and litigative costs of collection having regard for the time which it will take to effect collection. Cost of collecting may be a substantial factor in the settlement of small claims. The cost of collecting claims normally will not carry great weight in the settlement of large claims.

§ 103.5 Enforcement policy.

Statutory penalties, forfeitures, or debts established as an aid to enforcement and to compel compliance may be compromised pursuant to this part if the agency's enforcement policy in terms of deterrence and securing compliance, both present and future, will be adequately served by acceptance of the sum to be agreed upon. Mere accidental or technical violations may be dealt with less severely than willful and substantial violations.

§ 103.6 Joint and several liability.

When two or more debtors are jointly and severally liable collection action will not be withheld against one such debtor until the other or others pay their proportionate share. The agency should not attempt to allocate the burden of paying such claims as between the debtors but should proceed to liquidate the indebtedness as quickly as possible. Care should be taken that compromise with one such debtor does not release the agency's claim against the remaining debtors. The amount of a compromise with one such debtor shall not be considered a precedent or as morally binding in determining the amount which will be required from other debtors jointly and severally liable on the claim.

§ 103.7 Settlement for a combination of reasons.

A claim may be compromised for one or for more than one of the reasons authorized in this part.

§ 103.8 Further review of compromise offers.

If an agency holds a debtor's firm written offer of compromise which is substantial in amount and the agency is uncertain as to whether the offer should be accepted, it may refer the offer, the supporting data, and particulars concerning the claim to the General Accounting Office or to the Department of Justice. The General Accounting Office or the Department of Justice may act upon such an offer or return it to the agency with instructions or advice.

§ 103.9 Restrictions.

Neither a percentage of a debtor's profits nor stock in a debtor corporation will be accepted in compromise of a claim. In negotiating a compromise with a business concern consideration should be given to requiring a waiver of the tax-loss-carry-forward and tax-loss-carry-back rights of the debtor.

PART 104—STANDARDS FOR SUSPENDING OF TERMINATING COLLECTION ACTION

Sec.

104.1 Scope and application.
104.2 Suspension of collection activity.
104.3 Termination of collection activity.
104.4 Transfer of claims.

AUTHORITY: The provisions of this Part 104 issued under sec. 3, 80 Stat. 369; 31 U.S.C. 952.

SOURCE: The provisions of this Part 104 appear at 31 F.R. 18883, Oct. 15, 1966, unless otherwise noted.

§ 104.1 Scope and application.

The standards set forth in this part apply to the suspension or termination of collection action pursuant to section 3(b) of the Federal Claims Collection Act of 1966, 80 Stat. 399, on claims which do not exceed $20,000 exclusive of interest. The head of an agency or his disignee may suspend or terminate collection action under this part with respect to claims for money or property arising out of activities of his agency prior to the referral of such claims to the General Accounting Office or to the Department of Justice for litigation. The Comptroller General or his designee may exercise such authority with respect to claims referred to the General Accounting Office prior to their further referral for litigation.

§ 104.2 Suspension of collection activity.

Collection action may be suspended temporarily on a claim when the debtor cannot be located after diligent effort and there is reason to believe that future collection action may be sufficiently productive to justify periodic review and action on the claim having consideration for its size and the amount which may be realized thereon. The following sources may be of assistance in locating missing debtors: Telephone directories; city directories; postmasters; drivers' license records; automobile title and license records; state and local governmental agencies; district directors of Internal Revenue; other Federal agencies; employers, relatives, friends; credit agency skip locate reports. Suspension as to a particular debtor should not defer the early liquidation of security for the debt. Every reasonable effort should be made to locate missing debtors sufficiently in advance of the bar of the applicable statute of limitations, such as Public Law 89-505, 80 Stat. 304, to permit the timely filing of suit if such action is warranted. If the missing debtor has signed a confess-judgment note and is in default, referral of the note for the entry of judgment should not be delayed because of his missing status. Collection action may be suspended temporarily on a claim when the debtor owns no substantial equity in realty and is unable to make payments on the Government's claim or effect a compromise thereof at the time but his future prospects justify retentions of the claim for periodic review and action and (a) the applicable statute of limitations has been tolled or started running anew or (b) future collection can be effected by offset notwithstanding the statute of limitations.

§ 104.3 Termination of collection activity.

The head of an agency or his designee may terminate collection activity, and consider the agency's file on the claim closed under the following standards:

(a) *Inability to collect any substantial amount.* Collection action may be terminated on a claim when it becomes clear that the Government cannot collect or enforce collection of any significant sum from the debtor having due regard for the judicial remedies available to the Government, the debtor's future financial prospects, and the exemptions available to the debtor under State and Federal law. In determining the debtor's inability to pay the following factors, among others, may be considered: Age and health of the debtor; present and potential income; inheritance prospects; the possibility that assets have been concealed or improperly transferred by the debtor; the availability of assets or income which may be realized upon by enforced collection proceedings.

(b) *Inability to locate debtor.* Collection action may be terminated on a claim when the debtor cannot be located, there is no security remaining to the liquidated, the applicable statute of limitations has run, and the prospects of collecting by offset notwithstanding the bar of the statute of limitations is toc remote to justify retention of the claim.

(c) *Cost will exceed recovery.* Collection action may be terminated on a claim when it is likely that the cost of further collection action will exceed the amount recoverable thereby.

(d) *Claim legally without merit.* Collection action should be terminated on a claim whenever it is determined that the claim is legally without merit.

(e) *Claim cannot be substantiated by evidence.* Collection action should be terminated when it is determined that the evidence necessary to prove the claim cannot be produced or the necessary witnesses are unavailable and efforts to induce voluntary payment are unavailing.

§ 104.4 Transfer of claims.

When an agency has doubt as to whether collection action should be suspended or terminated on a claim it may refer the claim to the General Accounting Office for advice. When a significant enforcement policy is involved in a reducing a statutory penalty or forfeiture to judgment or recovery of a judgment is a prerequisite to the imposition of administrative sanctions, such as the suspension or revocation of a license or the privilege of participating in a Government sponsored program, an agency may refer such a claim for litigation even though termination of collection activity might otherwise be given consideration under § 104.3 (a) or (c). Claims in which an agency holds a judgment by assignment or otherwise will be referred to the Department of Justice for further action if renewal of the judgment lien or enforced collection preceeding are justified under the criteria discussed in this part, unless the agency concerned has statutory authority for handling its own litigation.

PART 105—REFERRALS TO GAO OR FOR LITIGATION

Sec.
105.1 Prompt referral.
105.2 Current address of debtor.
105.3 Credit data.
105.4 Report of prior collection actions.
105.5 Preservation of evidence.
105.6 Minimum amount of referrals to the Department of Justice.
105.7 Referrals to GAO.

AUTHORITY: The provisions of this Part 105 issued under sec. 3, 80 Stat. 369; 31 U.S.C. 952.

SOURCE: The provisions of this Part 105 appear at 31 F.R. 13384, Oct. 15, 1966, unless otherwise noted.

§ 105.1 Prompt referral.

Claims on which collection action has been taken in accordance with Part 102 of this chapter and which cannot be compromised, or on which collection action cannot be suspended or terminated, in accordance with Parts 103 and 104 of this chapter, will be referred to the General Accounting Office in accordance with R.S. 236, as amended, 31 U.S.C. 71, or to the Department of Justice, if the agency concerned has been granted an exception from referrals to the General Accounting Office. Such referrals should be made as early as possible consistent with aggressive agency collection action and the observance of the regulations contained in this chapter and in any event well within the time limited for bringing a timely suit against the debtor.

§ 105.2 Current address of debtor.

Referrals to the General Accounting Office, and to the Department of Justice for litigation, will be accompanied by the current address of the debtor or the name and address of the agent for a corporation upon whom service may be made. Reasonable and appropriate steps will be taken to locate missing parties in all cases. Referrals to the General Accounting Office and referrals to the Department of Justice for the institution of foreclosure or other proceedings, in which the current address of any party is unknown will be accompanied by a listing of the prior known addresses of such a party and a statement of the steps taken to locate him.

§ 105.3 Credit data.

(a) Claims referred to the General Accounting Office, and to the Department of Justice for litigation, will be accompanied by reasonably current credit data indicating that there is a reasonable prospect of effecting enforced collections from the debtor, having due regard for the exemptions available to the debtor under State and Federal law and the judicial remedies available to the Government.

(b) Such credit data may take the form of (1) a commercial credit report, (2) an agency investigative report showing the debtor's assets and liabilities and his income and expenses, (3) the individual debtor's own financial statement executed under penalty of perjury reflecting his assets and liabilities and his income and expenses, or (4) an audited balance sheet of a corporate debtor.

(c) Such credit data may be omitted if (1) a surety bond is available in an amount sufficient to satisfy the claim in full, (2) the forced sale value of the security available for application to the Government's claim is sufficient to satisfy its claim in full, (3) the referring agency wishes to liquidate loan collateral through judicial foreclosure but does not desire a deficiency judgment, (4) the debtor is in bankruptcy or receivership, or (5) the debtor's liability to the Government is fully covered by insurance, in which case the agency will furnish such information as it can develop concerning the identity and address of the insurer and the type and amount of insurance coverage.

§ 105.4 Report of prior collection actions.

A checklist or brief summary of the actions previously taken to collect or compromise a claim will be transferred with the claim upon the return by the General Accounting Office upon the Department of Justice. If any of the administrative collection actions enumerated in Part 109 of this chapter have been omitted, the reason for their omission will be given with the referral. The General Accounting Office and the Department of Justice may return or retain claims at their option when there is insufficient justification for the omissio nof one or more of the administrative collection actions enumerated in Part 102 of this chapter.

§ 105.5 Preservation of evidence.

Care will be taken to preserve all files, records and exhibits on claims referred or to be referred to the General Accounting Office or to the Department of Justice for litigation.

§ 105.6 Minimum amount of referrals to the Department of Justice.

Agencies will not refer claims of less than —— exclusive of interest, for litigation unless its referral is important to a ——— enforcement policy or (b) the debtor has not only the clear ability to pay the claim but the Government can effectively enforce payment having due regard to the exemptions available to the debtor under State or Federal law and the judicial remedies available to the Government.

§ 105.7 Referrals to GAO.

Referrals of claims to the General Accounting Office will be in accordance with instructions, including monetary limitations, contained in the General Accounting Office Policy and Procedures Manual for the Guidance of Federal Agencies.

TAB C

INSTRUCTIONS FOR COMPLETING MONTHLY/QUARTERLY REPORT OF DISBURSEMENTS OF FEDERAL CASH

This report serves as either a monthly or quarterly report of disbursements of Federal cash under a specific Office of Education contract or grant. While it is the OE policy to make monthly payments as requested by the contractor on Form OE-5141, "Quarterly Estimated Requirements for Federal Cash," adjustments will be made in a subsequent payment if this report indicates significant differences between actual disbursements as compared to amounts previously estimated, resulting in an excess of Federal cash on hand.

1. *Report for Period Ending:* Show ending month and year of period for which report is made.
2. *Contract or Grant Number:* Enter number as shown on the contract or grant award document signed by the Office of Education contracting of grants officer.
3. *Name of Program:* Show program title as it appears on the Office of Education contract or grant award document.

4. *Name and Address of Contractor or Grantee:* Enter name and address of contractor or grantee.

5. *Disbursement of Federal Cash Previously Reported:* Enter the cumulative total of Federal cash previously disbursed and reported for this contract or grant.

6. *Disbursements of Federal Cash for Current Reporting Period:* Enter total Federal cash disbursed during the current reporting period. Including any adjustments for periods previously reported and explain any significant amounts in Item 9.

7. *Federal Cash on Hand at End of Current Reporting Period:* Enter Federal cash on hand at end of current reporting period.

8. *Total:* Enter total of Items 5, 6, and 7

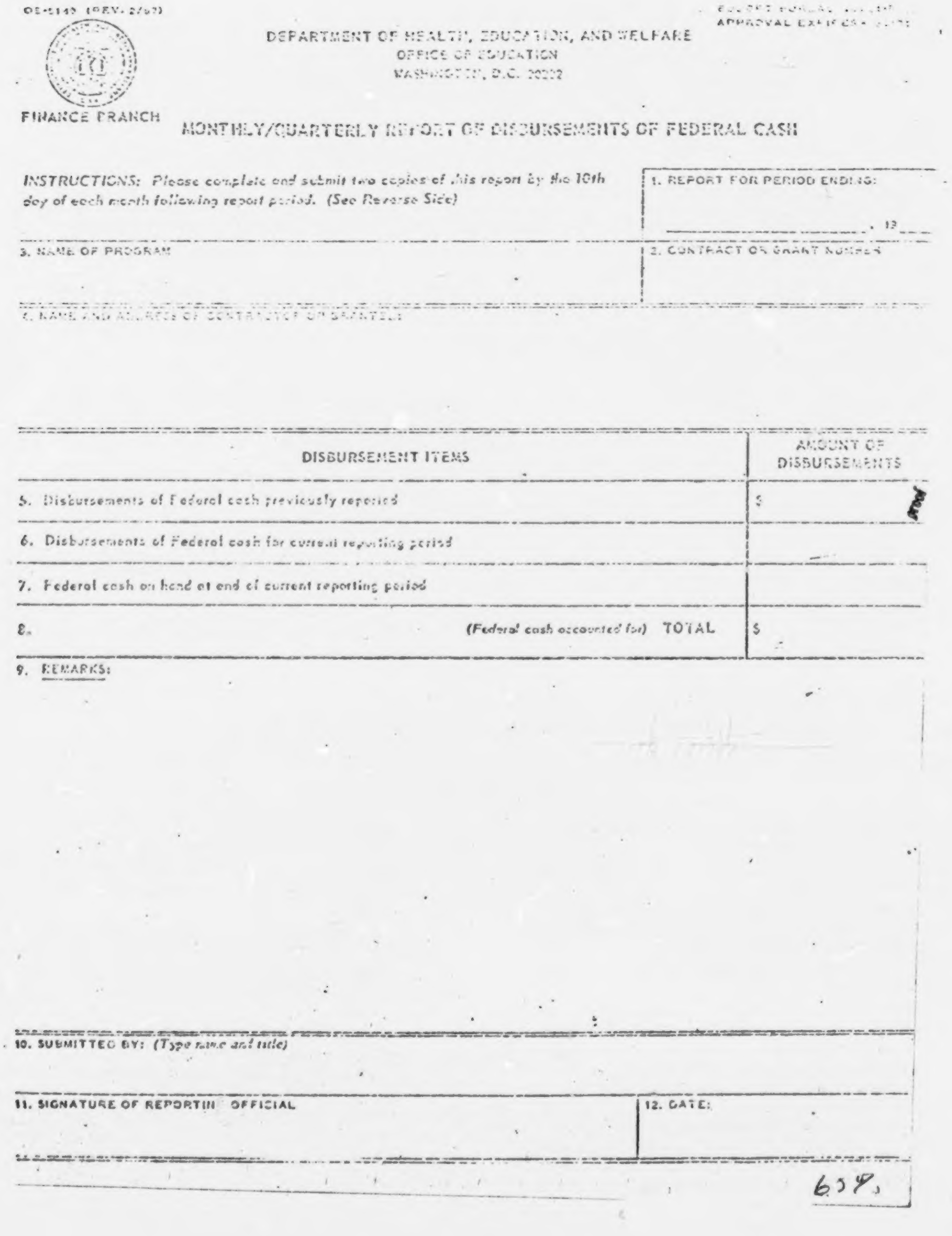
9. *Remarks:* Grantee should include an explanation of the cash balance shown in Item 7 if it is greater than the next 30 day requirements.

10. *Submitted by:* Type or print the name and title of authorized official (project director, or the authorized representative of the grantee).

11. *Signature of Reporting Official:* To be signed by authorized official in consultation with the project fiscal officer.

12. *Date:* Enter date this report is signed.

This form and all inquiries pertinent thereto should be addressed to: Chief, Fiscal Services Section, Finance Branch, U.S. Office of Education, 400 Maryland Avenue SW., Washington, D.C. 20202.



OE-[illegible] (REV. 2/67)

FINANCE BRANCH

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
OFFICE OF EDUCATION
WASHINGTON, D.C. 20202

BUDGET BUREAU NO. [illegible]
APPROVAL EXPIRES [illegible]

MONTHLY/QUARTERLY REPORT OF DISBURSEMENTS OF FEDERAL CASH

INSTRUCTIONS: Please complete and submit two copies of this report by the 10th day of each month following report period. (See Reverse Side)

1. REPORT FOR PERIOD ENDING: ____________ , 19__

2. CONTRACT OR GRANT NUMBER

3. NAME OF PROGRAM

4. NAME AND ADDRESS OF CONTRACTOR OR GRANTEE

DISBURSEMENT ITEMS	AMOUNT OF DISBURSEMENTS
5. Disbursements of Federal cash previously reported	$
6. Disbursements of Federal cash for current reporting period	
7. Federal cash on hand at end of current reporting period	
8. *(Federal cash accounted for)* TOTAL	$

9. REMARKS:

10. SUBMITTED BY: *(Type name and title)*

11. SIGNATURE OF REPORTING OFFICIAL

12. DATE:

654.

REQUIREMENTS FOR FEDERAL CASH

his report serves as both a quarterly estimate of requirements for Federal cash and a request for monthly payments.

. Report Period for Quarter Ending: Indicate the applicable calendar quarter for which the report is submitted.

. Contract or Grant Number: Enter number as shown on the contract or grant award document signed by the Office of Education contracting or grants officer.

. Name of Program: Show program title as it appears on the Office of Education contract or grant award document.

. Name and Address of Contractor or Grantee: Enter name and address. If check is to be drawn payable to other than the contractor or grantee as shown, please indicate by an asterisk and state name and address for this purpose under remarks.

. Date Estimated Cash is Needed: Show month and day by which cash is actually needed. Every effort will be made to see that U.S. Treasury checks will reach the contractor on or immediately prior to date shown. However, contractors and grantees must submit requests promptly and allow for the time required for processing and mailing of checks by the Federal Government.

. Estimated Amount Required: Enter total estimated amount required for [illegible] by the grantee during each [illegible] [illegible] If it is estimated that no funds will be required for disbursement during a particular month, enter "0" for that month. NOTE: If check is to be issued to someone other than the grantee, please give name and address.

7. Remarks: Include any comments or information with respect to unusual cash needs or trends that would be helpful to the Office of Education in processing this request for payment.

8. Submitted by: Type or print the name and title of the project director or an authorized representative of the grantee.

9. Signature of Requesting Official: To be signed by authorized official.

0. Date: Show date the report is signed.

This form and all inquiries pertinent thereto should be addressed to:

Chief, Fiscal Services Branch, Finance Division, U.S. Office of Education
400 Maryland Avenue, SW., Washington, D.C. 20202

EXPLANATIONS

AL YEAR.--The last digit of the fiscal year to which bligation is to be charged.

OPRIATION SYMBOL.--The numerical symbol assigned te Treasury Department.

MON ACCOUNTING NUMBER.--A seven-digit number out *FY prefix)* assigned to a particular program for record- ransactions. FY 1970 CAN Book.

CTIVE DATE.--The date of signature of authorizing al.

ERENCE CODE.--A three-digit code to identify the type ument. These codes are listed in Chapter 4-20 of the W Accounting Manual.

GATION/DOCUMENT NUMBER.-- A ten-digit obligation er will be used. Adjustments to obligations must cite riginal obligation number.

ERENCE CODE.--A three-digit code to identify the [illegible]. Used in the same manner as the reference for the obligation, above.

ENT ACCOUNTING NUMBER.--An identifying number of ument being processed.

OBJECT CLASS.--Enter object and sub-object class codes listed in Chapter 4-50 of the DHEW Accounting Manual.

AMOUNT.--Amount of transaction in dollars and cents.

NEGATIVE CODE.--Enter a minus sign if the transaction is a negative amount.

SCIENCE-NON-SCIENCE.--Enter "1" for Science or "2" for Non-Science.

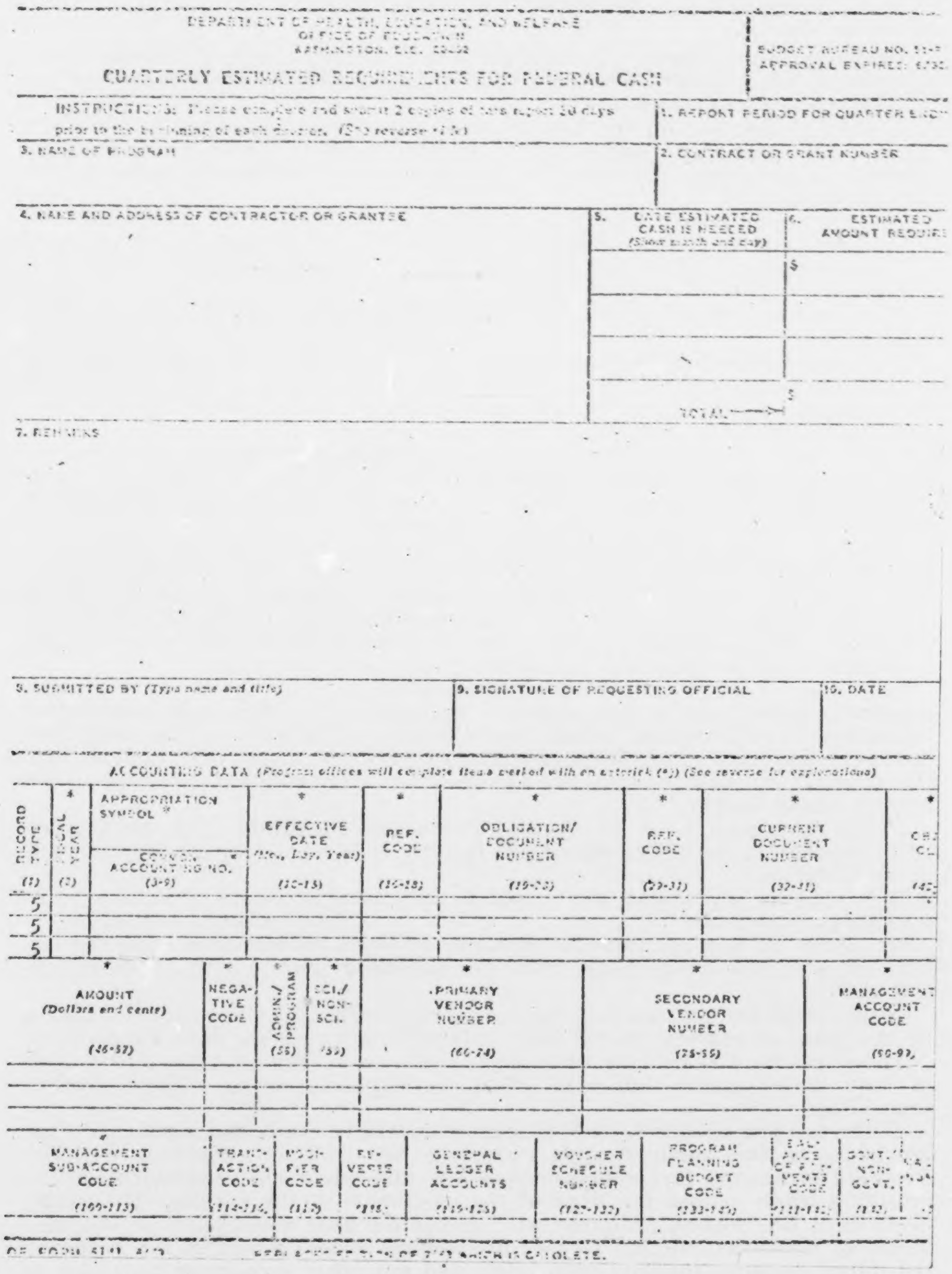
PRIMARY VENDOR.--A six-digit number to identify the primary vendor or customer. Current OE vendor codes will be used for FY 1970.

SECONDARY VENDOR.--Will be used to identify secondary recipient when information is available.

[illegible] ACCOUNT.--A ten-digit field, reserved for [illegible] present.

[illegible] SUB-ACCOUNT.--A fourteen-digit field, [illegible] present.

ADMINISTRATIVE/PROGRAM.--Enter "A" for administrative or "P" for program.



DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
OFFICE OF EDUCATION
WASHINGTON, D.C. 20202

BUDGET BUREAU NO. 51-
APPROVAL EXPIRES: 6/30

QUARTERLY ESTIMATED REQUIREMENTS FOR FEDERAL CASH

INSTRUCTIONS: Please complete and submit 2 copies of this report 20 days prior to the beginning of each quarter. (See reverse side)

1. REPORT PERIOD FOR QUARTER END

3. NAME OF PROGRAM

2. CONTRACT OR GRANT NUMBER

4. NAME AND ADDRESS OF CONTRACTOR OR GRANTEE

5. DATE ESTIMATED CASH IS NEEDED (Show month and day)	6. ESTIMATED AMOUNT REQUIRE
	$
TOTAL →	$

7. REMARKS

8. SUBMITTED BY (Type name and title)

9. SIGNATURE OF REQUESTING OFFICIAL

10. DATE

ACCOUNTING DATA (Program offices will complete items marked with an asterisk (*)) (See reverse for explanations)

RECORD TYPE (1)	* FISCAL YEAR (2)	APPROPRIATION SYMBOL * / COMMON ACCOUNTING NO. * (3-9)	* EFFECTIVE DATE (Mo., Day, Year) (10-15)	* REF. CODE (16-18)	* OBLIGATION/ DOCUMENT NUMBER (19-28)	* REF. CODE (29-31)	* CURRENT DOCUMENT NUMBER (32-41)	* CH CL (42-
5								
5								
5								

* AMOUNT (Dollars and cents) (46-57)	* NEGATIVE CODE	* ADMIN./ PROGRAM (58)	* SCI./ NON-SCI. (59)	* PRIMARY VENDOR NUMBER (60-74)	* SECONDARY VENDOR NUMBER (75-89)	* MANAGEMENT ACCOUNT CODE (90-9

* MANAGEMENT SUB-ACCOUNT CODE (100-113)	TRANSACTION CODE (114-116)	MODIFIER CODE (117)	REVERSE CODE (118)	GENERAL LEDGER ACCOUNTS (119-126)	VOUCHER SCHEDULE NUMBER (127-132)	PROGRAM PLANNING BUDGET CODE (133-140)	BALANCE OF PAYMENTS CODE (141-142)	GOVT./ NON-GOVT. (143)	NA NUM

OE FORM 5111, 2/70 REPLACES EDITION OF 7/69 WHICH IS OBSOLETE.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE.

SUPERINTENDENT OF SCHOOLS,
Wilcox County Board of Education,
Abbeville, Ga.

DEAR SIR: On September 17, 1970, the Wilcox County Board of Education was awarded a grant of $14,500 under the Emergency School Assistance Program (Grant No. OEG-4-71-0425).

1. In your application for ESAP assistance, dated September 4, 1970, you assured the Office of Education that your school district would comply with the regulations governing the program. Included in the assurances made by you was the following:

> The applicant will complete and submit to the Office for Civil Rights of the Department of Health, Education, and Welfare, by October 15, 1970, or such other time as may be determined by that Office, an evaluation report on a form to be furnished by that Office.

This assurance is required by 45 CFR Section 181.6(a)(4)(ix) of the ESAP regulations.

2. On November 9, 1970, the Office for Civil Rights mailed to your district two evaluation forms—OS/CR 105-1, School District Evaluation Form, and OS/CR 105-2, Individual School Campus Evaluation Form—and requested that you complete and return both forms within ten days of receipt.

When these completed forms were not returned as requested, the Office for Civil Rights mailed a second letter to your district on December 16, 1970. Additional copies of the evaluation forms were enclosed, and you were requested to complete and return them within ten days of receipt.

As of this date, these evaluation forms have not been returned to the Office for Civil Rights. Without them, it is not possible to make any meaningful evaluation of the effectiveness of your ESAP project, or to determine whether it is being conducted in accordance with law. Your failure to comply with this basic program requirement jeopardizes the value of your ESAP project, both for your own district and for those who hope to learn from your experience.

3. In view of the failure of your school district to comply with the terms and conditions of its grant in this respect, I am required to inform you, pursuant to Paragraph 11 of the General Terms and Conditions applicable to the grant, that the above described grant will be terminated, effective, unless prior to that date, the required evaluation forms are satisfactorily completed and returned to the Office for Civil Rights.

Under Paragraph 11 of the General Terms and Conditions, you are entitled to an opportunity for a hearing on this matter. Such a hearing, if requested, will be scheduled at

If you desire to exercise your right to this hearing, please so inform us in writing no later than , by directing a request to:

Mr. Jerry H. Brader, Director, Division of Equal Educational Opportunites, U.S. Office of Education, Room 2029, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

If the completed evaluation forms are not received by the Office for Civil Rights by the close of business on the date indicated above, or we have not received your request for a hearing by the close of business on that date, the termination of your ESAP grant will take effect as set forth above without further proceedings.

4. The hearing on this matter, if requested, will be conducted pursuant to the provisions of the Administrative Procedure Act (5 U.S.C. Sections 554-557). Proposed findings of fact, conclusions of law, and briefs will be submitted to the presiding officer within ten days of the conclusion of the hearing. The initial decision of the hearing examiner will become the final decision of the Commissioner of Education without further proceedings, unless a request for review of the initial decision, together with briefs and any other supporting materials, is received by the Commissioner within 15 days after receipt of the initial decision. Your district, of course, has the right to be represented by counsel in these proceedings.

Sincerely yours,

R. T. ALEXANDER,
Grants Offier.

MARCH 9, 1971.

Mr. DON J. BYRD,
Superintendent,
Fairfield City Board of Education,
Fairfield, Ala.

DEAR MR. BYRD: On September 29, 1970, the Fairfield City Board of Education was awarded a grant of $50,234 under the Emergency School Assistance Program (Grant No. OEG-4-71-0556).

1. In your application for ESAP assistance, dated September 15, 1970, you assured the Office of Education that your school district would comply with the regulations governing the program, as well as with the program manual and the grant terms and conditions. Among the regulations with which you agreed to comply was the following (45 CFR Sec. 181.7).

> (b) (1) In the case of (a local educational agency other than one with respect to which a biracial committee has been formed pursuant to an order of a Federal or State court), such agency shall, prior to submission of an application pursuant to Sec. 181.6(a), select at least five but not more than 15 organizations which in the aggregate are broadly representative of the minority communities to be served. Those organizations that have been established pursuant to, or with respect to, other Federal programs, such as Community Action Agencies, City Demonstration Agencies, Title I Advisory Committees, Head Start Parents Advisory Committees, and 4-C Committees, should ordinarily be among those selected. Upon submission to the Commissioner, such application shall be accompanied by the names of the organizations so selected. Each such organization selected by the local educational agency may appoint one member to an advisory committee that shall be established by such agency within 30 days of approval by the Commissioner of its application.
>
> (2) In addition to members appointed to the advisory committee by organizations selected by the local educational agency pursuant to subparagraph (1) of this paragraph, the local educational agency shall appoint to the advisory committee such additional persons from the community as may be needed in order to establish an advisory committee composed of equal numbers of minority and nonminority persons, at least 50 percent of whom shall be parents whose children will be directly affected by the project to be carried out under the program.
>
> (c) The local educational agency shall consult with any advisory committee . . . established pursuant to paragraph (b) of this section, with respect to policy matters arising on the administration and operation by such agency of each project assisted under the program. The advisory committee shall be given a reasonable opportunity to observe and comment upon all project-related activities of the local educational agency.
>
> (d) The names of the members of any committee described in this section shall be made public by the local educational agency.

You indicated in your application for ESAP assistance that such a biracial advisory committee would be formed.

2. In your OS/CR 105-1 evaluation form, submitted to the Office for Civil Rights on December 29, 1970, you indicated that no such biracial advisory committee had been formed in connection with your district's ESAP project. According to the most recent information available to us, no such committee has been formed as of the date of this letter.

The requirement of a biracial advisory committee was intended to ensure that representative community groups and parents of children directly affected by your district's ESAP project would have a role in planning and shaping this important school-community program, particularly in the early, formative stages.

3. In view of the failure of your school district to establish a biracial advisory committee as required under the above cited regulation. I must regretfully inform you, pursuant to Paragraph 11 of the General Terms and Conditions applicable to your ESAP grant, that the above described grant is hereby terminated, subject to the hearing procedure outlined below.

Under Paragraph 11 of the General Terms and Conditions, you are entitled to an opportunity for a hearing on this matter. This hearing will be scheduled at 10:00 A.M., Monday, April 5, 1971, in Room 487, 795 Peachtree Street, N.E., Atlanta, Georgia 30308.

If you intend to appear at this hearing, please so inform us in writing no later than March 19, 1971, by indicating such intention to: Mr. Jerry H. Brader, Director, Division of Equal Educational Opportunities, U.S. Office of Education, Room 2029, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

4. The hearing on this matter will be conducted pursuant to the provisions of the Administrative Procedure Act (5 U.S.C. Sections 554–557). Proposed findings of fact, conclusions of law, and briefs will be submitted to the presiding officer within ten days of the conclusion of the hearing. The initial decision of the hearing examiner will become the final decision of the Commissioner of Education without further proceedings, unless a request for review of the initial decision, together with briefs and any other supporting materials, is received by the Commissioner within 15 days after receipt of the initial decision. Your district, of course, has the rights to be represented by counsel in these proceedings.

Sincerely yours,

C. J. MARTIN,
Regional Commissioner.

Senator MONDALE. I have taken 15 minutes, and whenever Senator Dominick is ready——

Senator DOMINICK. Go ahead.

Senator MONDALE. I will go through this district, and then yield. Let's turn to Jackson, Miss. I believe that this school district was the first awardee and one of the largest, 1.3 million.

During the course of the application proceeding, it was widely and publicly reported that the Jackson public schools were transferring textbooks to private segregation academies, and I referred those reports to the Department so that you were aware of them.

As I understand it, the textbooks were then returned from the segregated academy to the State book depository. The grant of 1.3 million was then made to the school districts, and then the school books were redelivered from the State book depository to the segregation academy,

Is that essentially accurate?

Is that in violation, in your opinion? If not, why not, and if so, what is being done about it?

Commissioner MARLAND. Again. I would like to ask Mr. Pottinger to respond to that, with this small introduction and observation. You are quite right in saying, Senator, that this action was the first taken to support the emergency school assistance program at an hour when the city of Jackson was under extreme duress, and where the people in that city felt the clear evidence of concern and support for restoring order though this instrument was desperately needed at that time. They became the first funded for that reason.

Now, I would ask Mr. Pottinger to continue.

Mr. POTTINGER. Senator, this has become somewhat of a celebrated case, and I would welcome a chance at this point to present the facts that the record makes clear, and then perhaps all of us, or any of us, may choose to characterize those facts as we see fit.

Let me start very briefly by explaining to you what the status of the Jackson school system was at the time that this application was considered. At the end of August of last year, Jackson was in the process of having attempted to implement four different court orders in 13 weeks.

The biracial advisory committee in Jackson, which had been appointed by the court, had met, agreed that it could not agree on anything and had dissolved itself.

The superintendent of the Jackson school system, under great pressure, personal and institutional, resigned.

The board of education threatened to turn the entire school system over to the city council and dissolve itself; 8,000 children in the city of Jackson were at that time boycotting the school system. Jackson State, as you know, had already erupted—I should not say Jackson State had erupted, the issue had erupted—and there was an air of racial crisis in the city.

There was a white flight movement that portended to further damage the existence of the public school structure, and finally I would say that here in Washington, alluding again to your own reminder that there were hearings before the Senate at that time, that here in Washington as well, I think, there was generated, in good faith, but nevertheless generated, an air of crisis that was impending, or at least that many of us thought was impending.

Senator **Pell**. You called it the "Emergency school aid program." That term "emergency" came from the administration.

Mr. **Pottinger**. That is correct.

In this context of extreme deterioration and crisis in Jackson, the school board turned to the Federal Government for whatever assistance could be found, including technical assistance from title IV, and assistance under the emergency school assistance program.

They said in so many words that if you want integration, you have got to have white children in the system, which I think none of us would disagree with.

A team of Office of Education personnel did go directly to Jackson at that time to help design a program of technical assistance for that system and designed to try to hold it together, to try to keep the system not only from falling apart as a public education system, but perhaps to try to keep a degree or an extend of good faith integration in that system.

That was the setting in which we were working at the time, and particularly the Office of Education. I am really speaking for them on this point.

At that time, an application was developed, and you are correct, it was the first district to be funded. It also happened to be the most crisis-ridden district that we were able to identify in late August: $1.3 million was granted to the system, and incidentally, there was a review of that application. The application formally arrived in Atlanta hand carried by the team after they had negotiated the application with Washington. It was not a grant of money without a review of the project design.

It was shortly thereafter that we learned from two sources, yourself as one, and a separate source, that the State textbook agency, or commission, which is a separate State agency, had, pursuant to a 1942 statute, directed numerous local boards of education in Mississippi to convey surplus books to various private schools.

Again, this is pursuant to a State statute. We immediately advised the superintendent, the then acting superintendent in Jackson, that we were unfamiliar with this law and unfamiliar with the transaction, but in light of the Mondale amendment it would appear to us on the face of it that they may well be violating that amendment, and therefore voiding their $1.3 million grant.

Incidentally, we had three different reviews in Jackson almost immediately following this knowledge that came to our attention.

The Jackson superintendent, it is fair to say, was extremely agitated, extremely upset. He was unaware personally of the transfer order which had come, as in previous years, directly from the State commission to a lesser school official in the Jackson School District. I forget his name and title at the moment.

Immediately he looked into the situation. We calculated incidentally as a sidelight to this, that since there were involved allegedly 1,300 books—that is, 1,300 surplus books owned by the State which were to be transferred to the private school—and in light of the $1.3 million grant, that Jackson, if it were violating the Mondale amendment, would be paying $1,000 a book in order to make that transfer to a private school.

I think it is fair to say, and I think you would agree without question if you were able to look at the record in detail, which we will furnish you, that the Jackson superintendent and the school board adamantly insisted that they did not want to lose that money or those funds, that they did not want to jeopardize or violate the Mondale amendment, and indeed had not done so.

It then became a question of law under your amendment to determine whether or not this transfer which had taken place of State books did violate the amendment.

Pending that, the Jackson School Board officials within, I think, 24 hours retrieved the books because they hoped that if there were any equities to be considered in the matter that that would help them.

In other words, they went over to the private academy, the books had not been used or uncrated, the private academy had not been opened. They had a friendly, I guess, but minor confrontation with the private school, and they said, "We were directed by the State to turn the books over to you, but we are taking them back."

I am given to believe that they picked up the books, put them on a truck and returned them to the State. The Office of General Counsel advised us when we presented these facts to them as to whether this constituted a violation, advised us as to this conclusion: That because the books were State books owned by the State and at the State's disposition, and becaues the State had the right under the Mondale amendment, as they then viewed it, to make the transfer, that the Jackson School Board had not violated the amendment.

That was their conclusion based on the law and on the undisputed facts.

The question was raised as to whether or not the State, agency had violated the Mondale amendment. Again, I say there was no question that the books did not belong to Jackson, and under your amendment it makes clear that the violation occurs only when the applicant LEA, the local education agency, makes a transfer, and in this particular case they did not do so.

Based upon that legal opinion, which I think was carefully considered, a determination was made that both in light of the law, primarily, and I think, irrelevantly in light of the fact that the books were not actually delivered, Jackson had not violated the law.

Senator **Mondale**. In other words, the position of the Department is that there was a legal grant under the amendment, that the transfer of books from the State book depository to the segregated academy was not the responsibility of the local school officials, and therefore they are unrelated acts.

Is that the position?

Mr. Pottinger. We have been told that the State did take its own books and then deliver them to the Woodland Acres Academy.

If the State were an applicant under this program, under your amendment that would constitute a violation, but it did not constitute a violation by the Jackson School Board, since they did not deliver the books and did not own them, and indeed they were not in their control.

Senator Mondale. I won't get into the question of whether the transfer of public property to a segregated academy is unconstitutional, but I think it clearly is.

Of course, this program is not an entitlement program, it is a discretionary program, and in the light of that record, is it not the case that the Commissioner was well within their rights in withholding the funds until that issue had been resolved?

Mr. Pottinger. Indeed he did, Senator.

Senator Mondale. But it was resolved in a way which benefited the segregation academy.

Mr. Pottinger. No, I don't believe that is a fair conclusion.

Senator Mondale. Who got the books?

Mr. Pottinger. The Commissioner did immediately wire the school board and withheld any further commitment or funding pending the resolution of the issue, and the school board abided by that direction.

Senator Mondale. Let me just put it this way. The segregation academy got the books, and the public schools of Jackson got the money, and that situation remains as it was.

Mr. Pottinger. But the books don't belong to the city of Jackson.

Senator Mondale. I understand the distinction.

Senator Pell. Respond directly to the question.

Commissioner Marland. Let me add from the viewpoint of the Comissioner of Education, we are here engaged in a very difficult task, one in which the law must help us. Perhaps as we look ahead we can find ways for it to help us. Here we find a case of an unintended provision of the law which allowed the State to circumvent this provision of the law, either consciously or unconsciously. So if the law can be constructed so as to preclude this kind of circumvention, whether intended or not, it would help us to carry out more cleanly the purposes of this act. I am sure our General Counsel acted in his best wisdom in saying that this was a feature of the law over which we had no control, and did indeed tend to serve to the disadvantage of our purpose.

(Information subsequently supplied follows:)

Emergency School Assistance Program--Eligibility of Jackson, Mississippi, School System

On August 31, 1970, the Office of Education formally approved a grant of $1,300,000 under the Emergency School Assistance Program (ESAP) to the Jackson Municipal Separate School District, Mississippi. In early September, 1970, questions were raised by various parties concerning the eligibility of the district for ESAP assistance because of transactions involving a transfer of textbooks formerly used in the Jackson City School system to a discriminatory private school. This memorandum summarizes the factual and legal considerations involved in the determination by the Office of Education that the grant to the Jackson School District met the pertinent statutory and regulatory provisions governing the ESAP program.

I

In Jackson, it appears that a number of textbooks in the possession of the Jackson Municipal Separate School District were delivered to the Woodland Hills Academy. According to information available to the Office of Education, the books were delivered by the school district to the private school on or about August 25, 1970. When questions were raised on behalf of the Office of Education about the propriety of this transfer, the Jackson school district promptly reclaimed the books before any use had been made of them, and deposited them in the State school book depository, where books are stored by the State. We have been informed that at least some of the books involved were later transferred by the State Textbook Board to the Woodland Hills Academy.

Under Mississippi law, school textbooks for use in elementary and secondary schools are purchased by the Mississippi State Textbook Board, a State agency and are distributed on a loan basis free of charge to students, in both public and private schools.1/

The Office of Education was advised by the Jackson School District that the original transfer of the textbooks was made at the State's behest. After it recovered the books from the private school, the Jackson School District placed them entirely in the control of the State Textbook Board. The subsequent transfer was made by the State Textbook Board.

II

The Emergency School Assistance Appropriation in P.L. 91-380 provides that funds appropriated thereunder shall not be used

> to assist a local educational agency which engages, or has unlawfully engaged, in the gift, lease or sale of real or personal property or services to a nonpublic elementary or secondary school or school system practicing discrimination on the basis of race, color, or national origin; . . . .

This statutory provision (which is based on language first proposed by Senator Mondale and is referred to as the "Mondale Amendment") is implemented in the ESAP regulations by an assurance to be given by all ESAP applicants (45 CFR § 181.6(a)(4)(iv)).

1/ See 5 Mississippi Code 1942 (1966 reprint) §§ 6634, 6646, 6656. Under § 6641 of the Mississippi Code (Supp. 19 the State Textbook Board is authorized to purchase textbooks and promulgate rules for their care, use, disposal, and distribution. The State is deemed to retain control and ownership over books loaned to school children. Chance v. Mississippi State Textbook Board, 200 So. 706, 713 (Sup Ct. Miss. 1941)

The Mondale Amendment applies, by its own terms, only to transfers of property or services to discriminatory private schools by *local educational agencies* receiving assistance under ESAP. It does not apply to such transfers by State educational agencies, unless the State educational agency involved is itself a local educational agency receiving ESAP assistance.1/

The legislative history of the amendment indicates that this is not an inadvertent result.

The Senate debate on P.L. 91-380 indicates a concern that the Mondale Amendment would disqualify one entity for the derelictions of another. Thus, Senator Stennis inquired as to whether a transfer by a school board in a county would apply to the entire county.2/

Senator Mondale responded:

"[The amendment] denies a reward to a *school district* that gives away public property to a private source. And it would prohibit such funds from going to *local educational agencies as determined by the Department of Health, Education, and Welfare*.3/

1/ The definition of "local educational agency" in the ESAP regulations (45 CFR § 181.1(c)) includes, in addition to local school boards,

> any other public institution or agency having administrative control and direction of a public elementary or secondary school.

Under certain programs administered by the Commissioner of Education a State agency may be a "local educational agency". See *e.g.*, 45 CFR § 116.1(r) (1968).

2/ 116 Cong. Rec. S. 9898 (daily ed. June 25, 1970).

3/ *Id.* (Emphasis added).

Senator Stennis' question was not directed at the particular issue involved here, namely, whether action by the State disqualifies its local educational agencies. However, it was directed at the same type of concern; whether the Mondale Amendment would be construed broadly to invalidate a grant to a local educational agency for an action by another educational agency over which the local educational agency did not exercise direction or control. The proponents of the amendment indicated that this would not be its effect.

Senator Javits addressed himself specifically to this point. In explaining the ESAP appropriation in P.L. 91-380, of which he was the sponsor, he alluded to the Mondale Amendment as follows:

> The point was made to me, Mr. President, that a State which had school districts which had in fact unlawfully engaged in the gift, lease, or sale of real or personal property or services to a non-public elementary or secondary school or school system practicing discrimination on the basis of race, color, or national origin--to wit, a local educational agency, could be entirely barred from participation in the benefits of this particular appropriation.
>
> I said that I did not so interpret it, that "a local educational agency" meant what it said, that the intention of the proviso would be directed to what a particular local educational agency did or did not do.
>
> My understanding was that that did not characterize a State one way or the other unless the State itself was the educational agency which engaged in this practice, and that was not the disquiet or the question which was addressed to me. So, I interpret "a local educational agency" to mean exactly what the words say, a proviso insofar as it is a limitation to refer to that agency and no other in terms of the limitation which is imposed by this particular amendment.4/

4/ Id. at 9892.

Thus, where the transfer of property to a discriminatory private school is effected by the State rather than the LEA which is receiving ESAP assistance, no violation of the Mondale Amendment or the implementing regulatory assurance would appear to be involved.

III

In the instant case, while the LEA initially delivered books to the private academy, it swiftly recovered the books before any use could be made of them by the academy. A transfer, therefore, was never consummated. It never became a gift, lease, or sale to which the Amendment would attach. The subsequent transfer by the State Textbook Board, as indicated above, would not disqualify the LEA under the Mondale Amendment.[5]

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[5] The Office of Education found no evidence that the local educational agency was in collusion with the State agency to effect the transfer of the books or that, after recovering the books from the private school it did anything more than deposit them with the State which owned them.

TRANSFER OF BOOKS

Senator **Dominick**. Mr. Chairman, may I clear up one brief point here before you go on? There is not any constitutional provision or any Federal law which prohibits the transfer of surplus books to private schools from public institutions, is there?

Mr. **Pottinger**. That question under title VI of the Civil Rights Act of 1964 is presently under review in the Office of the General Counsel.

Senator **Dominick**. I am not referring to transfers to avoid integration now, but just transfers of surplus books. Is there anything that would prevent a school district in Rhode Island from transferring books to a private school?

Mr. **Pottinger**. Senator, let me recapitulate with this brief comment. There is nothing that would prohibit under the emergency school assistance program, a State agency from transferring its own property to whomever it wanted to.

However, that transfer might constitute a violation of title VI by that State agency if the recipient was a discriminatory private school.

Senator **Dominick**. If interpreted as an indirect method to try to avoid the integration——

Mr. **Pottinger**. That is correct, and we would argue that that is the case, that the State agency cannot do this, but in this particular case it was not the State agency involved, it was a local education agency, which had custody of the books at the grace of the State, if you will, at the time they held them, and where the State demanded the return of the books.

Legally, there was nothing the local education people could do but comply with the State law.

ESAP EXPENDITURES IN PARTS OF NATION

Senator **Dominick**. That helps considerably. Mr. Secretary, can you tell me how much of the $75 million was spent on the school districts in the South?

Commissioner **Marland**. Virtually all of that money has been expended, Senator Dominick, on the school districts in the South. We are now at the point where the books are closing, with hopefully a zero balance, as final commitments are made.

I would ask Mr. Jerry Brader to amplify.

Senator **Dominick**. The point I am making is that you did not have the opportunity to find yourself involved in donating funds to school districts either in the North or the West which were under integration plans, either voluntary or court order.

Commissioner **Marland**. The bulk of the funds have been expended in the 11 States in the South, Senator.

Mr. **Brader**. I might add that of the original list of 1,319 eligible school districts comprised 25 States. Approximately 82 of these districts were identified as being potentially eligible in those States outside of the spheres normally referred to as the Southern States.

As of the close of business yesterday, a little over $62 million has been expended. Approximately 8 and a half million dollars have gone into other States other than the 11 Southern States.

Senator **Dominick**. Do you happen to recall whether any went to Denver public school district?

Mr. **Brader**. The Denver school district was provided technical assistance by our staff in Washington. This technical assistance was provided in the latter part of September. Extensive development in preparation of a proposal was completed.

That proposal, by a vote of the Denver Board of Education was not submitted to our office for consideration.

Senator **Dominick**. The case is before the 10th circuit on appeal at the present time, so I don't want to delve into the merits of the case one way or the other, except to acknowledge that the school district was under a Federal district court order, and was trying to comply with that order.

Mr. **Brader**. That is right.

Senator **Dominick**. The question in my mind is whether any of ESAP funds were devoted to try to assist in the implementation of that order.

Mr. **Brader**. Yes, sir.

Senator **Dominick**. What you are saying is that technical assistance was given, but no cash. Is that right?

Mr. **Brader**. The Denver Board, Senator Dominick, chose not to submit the proposal. There was apparently some discussion among the board members. Legal advice retained by the board held that pending the appeal that is now before the circuit court that it will be very probable that virtually all of the funds may have to be repaid if the grant had been made.

Senator **Dominick**. Heaven knows they don't have any extra money to do that.

Mr. **Brader**. A proposal was prepared for about $850,000 if my memory serves me correctly, and had been submitted to our review team in Denver.

But we were subsequently advised by action of the board that the project would be withdrawn.

Senator **Dominick**. Dr. Marland, to present a proper perspective for my subsequent line of questioning I am first going to refer to your statement. On the first page of your prepared statement you say in your last sentence, "in our view, the immediate availability of these funds this past fall helped to bring about the calm and smooth transition from dual to unitary school systems."

You go on in the middle paragraph of the next page and say, "attempts to desegregate prior to 1970 were in many instances accompanied by serious disruptions of the educational process, by costs, property damage, bodily injury and school closings very all too often accompanied the efforts to end dual school systems."

I assume that you are talking about legally set up dual school systems in the South when you are talking in these terms?

Commissioner **Marland**. That is correct, Senator Dominick. "Dual school systems" is the term the courts have attached to the de jure segregation. If I may amplify my response to the earlier question concerning the deployment of funds, as to whether or not they were deployed beyond the Southern States. Under the ESAP regulations, only those school districts under a final order of a State or Federal court or voluntary desegregation plan, approved under title VI, which had commenced its terminal phase by the opening of the 1070–71 academic year or during the 2 preceding years were eligible for these funds. Therefore they were restricted, as Mr. Brader stated.

But returning to the other question, de jure segregation was the theme, and it had to do with school districts that by law had been segregated for many years.

Senator **Dominick.** We still have a case on file, as I say, in Denver, so I am being very careful and trying to word my questions so as not to prejudice the decision on this either way.

I am not quite clear whether the court order in the lower Federal court said that Denver was conducting a de jure dual school system—with purpose and principle behind it—or whether it had happened, and had continued for so long on de facto basis that it needed to be changed anyhow.

The net effect of the court order regardless of which it was deemed to be, was to transfer students from one school to another in rather substantial numbers.

The net effect of this, at least in one high school, was three closures, one for a period of 10 days; substantial damage to the school; injury to faculty and the students, and a variety of other acts of rather considerable violence which were not helpful in trying to promote relationships between whites and blacks which had up to that point been very good.

My question is, Have you found that as progress is achieved along these lines that these incidents tend to calm down, and that people become more accustomed to this even though they don't like being bused out of their local area into some other area?

Have you found that this is the fact, or has your experience indicated that student and community opposition will continue.

Commissioner **Marland.** I will try to respond on points mostly from judgment, and ask Mr. Pottinger if he would like to respond on the circumstances prevailing in Denver as he sees them.

I would say broadly speaking, as I believe I said in my earlier testimony before this committee, that unquestionably we are going to have to go through a period of time in which there is uneasiness, discontent, disorder, adjustment and I am afraid, extreme irregularities in one form or another, as young people in families, school administrators, and teachers get used to the circumstances called for in these laws.

I think that we cannot expect this to be a peaceful road. It has been a complacent road for too long. It is one that is no longer tolerable. It is one that says that we must make adjustments to it, and these adjustments are not always going to be easy. I in no way excuse violence, disorder, or uncivilized behavior of any people in the schools——

Senator **Dominick.** Do you believe that this discontent with integration is predominantly or exclusively found in black-white integration? I ask you this because you have been dealing largely with the southern districts, which are geared in terms of black and white, and most of the testimony we have had has been in terms of black and white as far as racism is concerned.

We have found very sharp antagonism between the Spanish speaking students and the black students, and I was very interested in reviewing the situation in our school system to discover that this becomes even more explosive when they are mixed in the same school.

Have you had any experience in that area?

Commissioner **Marland**. I have had experience in northern schools where uneasiness and discontent and irregularities have surrounded these kinds of actions.

I would ask Mr. Pottinger to expand on that from his own experience.

Mr. **Pottinger**. I think our experience would bear out your conclusion, Senator, that for a community, court or anyone to assume, in cases where there are three minority groups, ethnic or racial, such as white Anglo-Saxon, Spanish surnamed, perhaps Mexican-American in your State, and Negro, that the desegregation of schools on the basis only black and white and brown communities constitutes a stable situation is not right and is not, even in our view, fair.

If I may very briefly conclude on that, what we have done to undertake to rectify that situation is essentially two things:

First, to define legally for the first time national origin minority children, such as Spanish-surnamed children, as a legally separate entity, if you will, for desegregation purposes. That is to say, they cannot be treated as "white children" for purposes of desegregation with black children, or in other communities as "minority children," for purposes of desegregating only with whites, and leaving the black children segregated.

Second, we have issued a policy memorandum, which we are actively and vigorously pursuing at this time, designed to overcome, through technical assistance and guidance, the difficulties and deficiencies in the English language which face, through no fault of their own, Mexican-American, Puerto Rican, or Cuban children, such as in Florida. We are attempting to do this in a bilingual setting, so that no longer will ESL, English as a second language, be used to depreciate that child's culture or his native tongue, but will bring him and his Anglo counterparts into a bicultural stream.

Senator **Dominick**. I am glad to hear that, because I have been a strong supporter of bilingual education. I think it is extremely important in many areas of the country.

Mr. Secretary, let me ask you a question which kind of steps on Senator Mondale's toes a little bit here.

S. 683 defines an integrated school as one containing both educationally advantaged and educationally disadvantaged, substantially representative of minority and nonminority students in the district. Thus it takes into account the educational advantage of economic diversity rather than race as a key element in successful integration.

Mrs. Edelman's statement of yesterday raises a question that the administration bill would seem to advocate tracking. Senator Mondale's bill would seem to go far beyond the definition of what the courts have spelled out as integration in the school system.

Would you care to comment on this, as far as definitions are concerned?

Commissioner **Marland**. I am not familiar with the precise reference you are making, but in general, Senator Dominick, I would say that the Federal position is not to encourage tracking.

The Office of Education is constantly on this subject to bring young people together. Tracking is a term that now has a derrogatory note to it on the part of some people. I would say that grouping children according to their interests and abilities is, however, quite a different thing, and I would seek children grouped in schools according to interests and abilities.

I would say that there is no excuse for segregating children as between classrooms for purposes of segregating according to ability.

I would hope that we can encourage schools working under this program to find ways creatively to bring children of different races together in classrooms.

We will work hard at this, and allow for the differences and interests and abilities within such classrooms, and that will be our model to work toward.

I am not sure that that is the precise answer to the question that you are asking. I will read the text that you have referred to if you wish, and respond to that.

Senator **Dominick**. The text is found on page 27, subsection (5), of S. 683, and it is a definition of the term "integrated school".

The thing that concerns me is whether the definition in S. 683 might prevent a number of different educational methods by which gifted students can move much faster through a school system. If this is the case it distresses me as it further perpetuates a dangerous educational philosophy—that philosophy being that if you put your time in from kindergarten at age 4 or 5 through college at age 21 or 22 you have it made. This double-edged sword frustrates the gifted and falsely guarantees the mediocre of success.

One of the things we try to do, for example, with medical students at the present time is to get them through their courses much faster, and there are provisions in many schools at the present time which allow the gifted, to even be able to skip grades. If you hold them back and make them go along under standardized patterns that we have had, "lo, these many years", they become disillusioned, disinterested, and they just don't have any challenge in front of them anymore.

The thing that I am concerned about is whether or not this definition would prevent a particular school district from experimenting with different methods along this line, regardless of what ethnic background a person has, from being able to push them so that they are up against the blade as we used to say, all the time, both educationally and mentally.

Commissioner **Marland**. I am pleased to answer that, and answer this quite forcefully, Senator Dominick.

I see nothing in this passage of the law which constrains a swiftly moving child from moving swiftly through a school system.

Indeed, it would work contrary to all we believe about individualized instructions, if we said the law kept the child in a fixed group or level or grade unnecessarily.

You are quite right in saying that we are making some progress in terms of advanced offerings for young people at all levels, gifted children, if you will, opportunities for young people now in high school to take college work and to get credit for it while still in high school. We call this advance placement or advance standing.

This is becoming more and more common. I applaud it. I have worked with this subject for many years, and feel very strongly about it.

Indeed, there is nothing here that I can see that says the child shall remain in a group, but the contrary would be true to the degree we are emphasizing individualization of education in the Emergency School Aid Act.

Senator Dominick. The authorized activities in the administration bill under section 6 refers to financial assistance which would be available for remedial and other services to meet the special needs of children (including gifted and talented children in schools which are affected by a plan described in section V or a program described in section IX–B).

This is not included, as I understand it, in S. 683. Do you feel that this would be helpful to include language of that kind regardless of what bill we bring out.

Commissioner Marland. I would recommend it, sir. It is that type of topic, I think, which I was referring to among others which I suggested that there were opportunities for reconciliation of these two bills.

ENFORCEMENT OF ESEA REGULATIONS

Senator Dominick. Without trying to take too much time here, Mr. Chairman, could you have Mr. Pottinger, Dr. Marland, or whoever is the proper person, submit data on the required notices, hearings, and other procedures which must be gone through as far as the enforcement of the regulations is concerned under the $75 million which has been achieved and expended under regulations promulgated by the Office of Education?

Commissioner Marland. Let me be sure I understand the request, and I gather you would like him to submit them for the record?

Senator Dominick. The procedural steps for the Office of Education to follow before they can withhold ESAP funds.

Commissioner Marland. We can speak to them generally now, or deliver it for the record.

Mr. Pottinger. I was about to say that we have that already in our hands, and will be happy to deliver it to you.

Senator Dominick. Can you give me any brief outline now on what notices and hearings are necessary?

(Information may be found on page 235.)

Mr. Pottinger. Let me ask Mr. Sky of the Office of General Counsel.

Mr. Sky. Under the terms and conditions applicable to the emergency school assistance program, before——

Senator Dominick. Can you speak up just a little louder?

Mr. Sky. Yes. Before a grant can be terminated, there has to be hearing and notice to the grantee.

Senator Dominick. How long?

Mr. Sky. The terms and conditions don't specify. We have normally said in the cases we have begun bringing 15-day notice. Now, those cases involved failure to file certain forms, so that that notice seemed appropriate.

Senator Dominick. Mr. Chairman, I think it might be helpful in trying to determine the language of what bill we come out with if we could have the record here show what the procedures are that are used insofar as notice and hearings are concerned before any termination or withholding of ESAP funds occurred.

Senator Pell. I think that would be very helpful, and we hope you would either spell it out now or submit it for the record, sir.

Mr. Sky. We would be happy to submit it for the record. Generally speaking, we are following procedures under the Administrative Procedures Act.

Senator **Pell**. And give the legal basis for your actions.

Mr. **Sky**. We will be happy to provide you with all the information, Mr. Chairman.

Senator **Pell**. Thank you.

(The information subsequently supplied follows:)

OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE STATUS OF COMPLIANCE PROCEEDINGS MARCH 18, 1971, EMERGENCY SCHOOL ASSISTANCE PROGRAM (P.L. 91-380)

1. *Grants Annulled Because Unauthorized*
   1. Northampton County, Virginia
   2. Stewart County, Georgia
   3. Monroe City, Louisiana
   4. Madison County, Florida

II. *Grants Terminated*
1. Franklin County, Florida (failure to file report).

III. *Termination Proceedings in Process*
A. Failure to establish advisory committee (45 CFR 181.7).
1. Santa Rosa County, Florida (hearing held 3/10/71).
2. Walker County, Georgia (hearing held 3/10/71).
3. Jackson City, Tennessee (hearing held 3/10/71).
4. Fairfield City, Alabama (notice sent).
5. Lauderdale County, Alabama (notice sent).
6. Indian River County, Florida (notice sent).
7. Darlington County, South Carolina (notice sent).
8. Humboldt City, Tennessee (notice sent).
9. Brunswick County, North Carolina (notice sent).
10. Henrico County, Virginia (notice sent).
11. Worcester County, Maryland (notice sent).
B. *Failure to carry out plan; Singleton Assurances*
1. McComb, Municipal Separate School District (notice sent; hearing set for 3/25/71).

IV. *Districts Advised of Termination for Failure to File OGC Reports unless Report Received by Specified Date*
1. Walker County, Alabama (complied)
2. Gulf County, Florida (complied)
3. Flagler County, Florida (complied)
4. Taliaferro County, Georgia (complied)
5. Columbia County, Georgia (complied)
6. Polk School District, Georgia (complied)
7. Bartow County, Georgia (complied)
8. Wilcox County, Georgia (complied)
9. Crawford County, Georgia (complied)
10. York County School District #1, South Carolina (complied)
11. Pulaski County, Georgia (complied)
12. South Pike Consolidated School District, Mississippi (complied)
13. Greene County, Mississippi (complied)
14. Leake County, Mississippi (complied)
15. Amite County, Mississippi (complied)
16. Perquimans County, North Carolina (complied)
17. Whiteville City, North Carolina (complied)
18. Edenton-Chowan, North Carolina (complied)
19. Orangeburg School District #6, South Carolina (complied)
20. Loudon County, Virginia
21. Stuttgart School District No. 22, Arkansas
22. Center Independent School District, Texas

Commissioner **Marland**. I may add that those procedures have been delivered to this committee, and they are quite bulky, and we can, if you will, provide a digest of that for the record more conveniently.

Senator **Dominick**. That would be helpful, and I thank you. I did not realize that the regulation had been submitted.

Mr. **Sky.** There is a tabbed record, in our response to the Washington research project report, which is a memorandum on the remedies we use.

Senator **Dominick.** How many official complaints have you received concerning ESAP violations?

Commissioner **Marland.** We will ask Mr. Stanley Pottinger to handle that, Senator Dominick.

Mr. **Pottinger.** Senator, by official complaints, do you mean from officials, or do you mean complaints from any source?

Senator **Dominick.** Complaints from people you think are reliable sources, be they State officials, Members of Congress, or whomever they may be.

Commissioner **Marland.** I would include, if I might, responsible local volunteer agencies that are concerned about the success of this.

Senator **Dominick.** That is right.

Mr. **Pottinger.** Senator, I don't know that I have for you at this moment a compilation of every complaint we have received.

I would be happy to attempt to supplement the record and give you an estimate. We would have to go through our files, the letters, and other memorandums.

Senator **Dominick.** Is it fairly substantial?

Mr. **Pottinger.** Yes, I think you could say it is substantial. I would say that it is not unusual. I think that the complaints that we have received and are attempting to evaluate are consistent with those that are ordinarily received under title VI itself.

Senator **Dominick.** How many have you been able to examine?

Mr. **Pottinger.** Maybe I could recapitulate generally and answer that question.

Of the original 1,319 potentially eligible districts, 321 districts did not choose to apply after they had been advised of the program regulations both as to project design and as to civil rights related compliance.

That means that approximately 1,000 districts did apply. Of those 37 districts were sent pregrant rejection letters because of their ineligibility, in many cases because of civil rights related problems. I might add, although we have provided the committee with this, that that includes many districts of considerable size: Austin, Tex.; Dallas; Fort Worth; and so on, were denied funds because of an eligibility question. It resulted from our pregrant review procedures. That does not mean that we necessarily determined that those districts were in noncompliance with title VI, and that should be made clear on the record.

It does mean that there were other problems. Perhaps the district, for instance, had not desegregated prior to the 2-year period specified in this bill, perhaps there were substantial allegations, or what we believed were substantial allegations, of property transfers, failure to desegregate faculty or other assurances of that nature, or perhaps they did not have a terminal desegregation plan.

But that is related to the issue of whether they were desegregated according to this program, and those districts, we found, were not.

Senator **Dominick.** Let me ask a couple of $64 dollar questions here. In your opinion, what would be the effect, or what has been the effect of withholding or terminating an ESAP grant to the school system which had been counting on such support?

Commissioner **Marland.** It is a very difficult question, Senator Dominick, and I do know that you appreciate that it is. Those of us engaged in this profession are concerned with children, we are concerned with teachers, we are concerned with the great issues in this society, including that great issue of our shame over isolation among races and the suppression of some races.

All of these things are a part of education. If a community acting on its best faith and in good will is struggling to correct these issues, including the education of children that will bring about greater equality, including their uplift, their access, their upward mobility in society, including their efforts to bring them together to work and live together in the face of very severe odds, this is still part of education.

It is very difficult for a schoolman, seeing a community struggling hard to do this, and I have to say acting in good faith to do this, in a variety of ways, of teachers working night and day to resolve these differences somehow or other, and then because of an error, a mistake, an act of ineptness, and indeed an act that might even be viewed as discriminatory in an isolated sense and instance, all of a sudden to say, "Well, you get no more money." I have to say as a schoolman that money is what is making the difference.

Money is helping them to do what they mean to do. I have said before, and I will say again, the administration and the judgments surrounding this action are extremely delicate.

Do we work counter-productively to our purposes, indeed, if we take a hard nosed straight-down-the-line position that if they step out of line, bang, there is no money. Or do we say that the answer lies in the leadership of this office, and the leadership of men like Jerry Brader and his people in the regions, in the technical assistance that we are increasingly becoming skillful at delivering, I believe, sir, and to try to help correct deficiencies, rather than simply arbitrarily to withhold money when there is generally good will prevailing at the site.

It is a difficult position. I would say my tendency would be to try to resolve that difference quickly.

Senator **Dominick.** So in substance, in determining whether funds should or should not be cut off, your primary factor of judgment is its effect on schoolchildren where you know that there is good will and good effort being imposed by local officials?

Commissioner **Marland.** That is correct, sir.

Senator **Dominick.** I have been worried about this for a long period of time, and I might just as well make this statement, Mr. Chairman. We have a continued reiteration in this committee that we are going to permit a great deal of local control in the school systems, determination of curricula, organization of classrooms. Under the premise of improving the quality of schools we allocate a lot of Federal money and create teacher's aid and teacher's corps program until the schools are dependent on this assurance, and then we cut it off.

My question is, what happens to the kid, what happens to the educational system. It has always been a concern to me wherever we have a bill that provides for almost an automatic cut off upon situations where we have what are considered to be at least allegations of violations of civil rights, as we have in the bill at the present time, a provision—one of the bills that is before us, and I don't know whether it is in the higher education bill or this one, Senator Mondale, maybe you can remember—an elimination of what we had previously done in every education bill, which is the Federal funds may not be used for purposes of transportation for the sole purpose of overcoming racial imbalance in schools—in other words, busing.

Do you happen to know whether it is in your bill?

Senator **Mondale**. In our bill, there is a measure to permit use of funds voluntarily——

Commissioner **Marland**. I might say that both of the bills provide for that provision of voluntarism.

Senator **Pell**. I think you avoided the red flag word "busing," didn't you?

Senator **Dominick**. After this question, I will be happy to yield back to those who want to ask more questions.

What type of programs has the Office tried to institute where you find a large school district, an almost countywide school district, which, say, are 80 percent black? What do you do about that?

What do you do about that?

Commissioner **Marland**. That is another very, very difficult question, and I will generalize upon it, sir, and I will ask Jerry Brader whether he wishes to add to my response.

When a school system has reached the point of substantial majority of minority membership, one might here just as well conclude that within the population dimensions and geographic dimensions of that school site, if these children are all indeed in public school, and other children in that community are elsewhere, or white children have departed from that community, I know then as a schoolman, I know of no solution that can bring about a racial balance in that environment except by having the children removed from the suburban areas to the center city.

There are ways in which we are attempting to construct ideas surrounding such things as community centers, civic centers, science centers, ways in which young people from surrounding areas, largely white, will work and study and learn in ad hoc arrangements as distinguished from fixed school sites.

There have been experiments along this line in Rochester, N.Y., which have shown promise. But the situation you describe offers very little promise of bringing about substantial integration within the population centers served.

I would ask Mr. Brader to continue.

Mr. **Brader**. Just to remark very briefly, Senator Dominick, as Commissioner Marland pointed out, there is a very basic question of the equalization of the educational services for those children, regardless of what the percentages of minority and nonminority there may be.

There is, of course, as you point out, a very difficult question. In many instances, the courts have not addressed this question. There are several cases pending right now in the Supreme Court that come clearly to grips with this more fundamental and much broader question of, for example, interdistrict cooperation in an effort to collectively reduce the amount and degree of racial isolation among its various schools in several or multicounty situations.

There are no answers until these things are completely resolved from the legal standpoint, and possibly Mr. Pottinger and Mr. Sky could more appropriately respond to that than I. But from an educational viewpoint I would again echo the comments that Mr. Marland has made, that one addresses himself fundamentally to the best educational program that can be provided for the boys and girls of that community, and equalization of those services in the context of this increased objective of reduced racial isolation.

Senator DOMINICK. I bring that up because I serve on Senator Mondale's Educational Opportunity Committee, and we have had testimony before us which says that compensatory education is ineffective and we have had testimony before us by a prominent black educator who says that where you have a large concentration of blacks or other minority groups, which you might have in Harlem or Watts or Chicago, it is totally impossible to try to integrate because of logistical problems, and you might as well forget it, and that the only alternative is to pour compensatory money in to try to increase the quality of education.

So we have had direct conflicts in evidence on this problem. I notice in the administration's bill there is a provision here which authorizes you to make grants with local educational agencies for unusually promising pilot programs designed to overcome the adverse effects of minority group isolation by improving academic achievements of children in one or more minority isolated schools.

I assume you are thinking of this type of situation. That provision has been under attack by some people on the ground that we are just going to compensatory education and that that has not proved to be satisfactory.

Commissioner MARLAND. I would like to respond to that, and if my colleagues wish to add, please let me know.

I would say that the subject of compensatory education not thus far having produced significant results is one we should refer to first, because it does bear on the question of whether supplemental forces at work to the proposed bill will make significant differences in that direction.

I would hold that as a recipient, as a school administrator receiving the resources of title I, and some other titles, such as title III and title IV, over the years, compensatory education has begun to make a difference.

I cannot cite you chapter and verse where the median reading scores of all the third grade children of the United States who live in poverty have been improved.

That I would like to be able to do very soon, sir, but I would say that where we have become sophisticated now after 4 or 5 years in the uses of compensatory sources, we are beginning to see some light.

For example, in California it is quite clear that there, adventurous and innovative procedures have been undertaken to concentrate their title I funds—that means denying them to some children—and to double or triple the impact on a school, and therefore a child. As a result, very significant results are beginning to appear.

We know that now in isolated cities here and there around the country, good practices are emerging that have to do in many ways with the humanization of the environment for a child more than his reading score. I hold that this is another very important part of our philosophy of compensatory education which we have learned.

The introduction of paraprofessional people, for example, from the inner cities themselves, changing the environment of the classroom to a more humane class, because that man or woman does know the circumstances of those children better than the teacher ever will.

We are making progress. It would suggest that the level of funding of title I—and this may not be a happy thought for you to consider in the light of the vast numbers of dollars thus far expended—when doubled or tripled, tends to show a significant difference for the disadvantaged child in California. I would suggest that we have been spreading these moneys at the level of about 10- or 15-percent margin over existing costs, by the time they are spread throughout the United States. In the city of Pittsburgh we were spending $700 per child in the inner city at grade 2. The differences attainable through title I would be about 15 or 16 percent. One may say that that is a significant sum of money, but one would also say that so far it has not shown the differences that 45-percent differences would have made in California as an add-on to their basic costs.

Now, this act provides new opportunities to engage more children and more funds under different systems of application—namely to target these funds at the process of integration and reduction in racial isolation—and to provide the implicit counselling services, the implicit paraprofessional engagement with children who are moving away from their conventional neighborhood into another neighborhood, to provide community workers around those children, to help acclimate families to their new environment, to have tutoring systems to uplift the children to accommodate to their new non-racially isolated environment, I am sure—and I hope you will provide us the elbow room to provide these things that I am suggesting—that there will be opportunities for increasing the learning of these children within this law in ways that will look something like compensatory education. But efforts under this law will indeed be more focussed and presumably in larger quantities of dollars per child than has been true so far in compensatory education.

Senator Dominick. Thank you, Doctor.

Commissioner Marland. Mr. Chairman, Mr. Pottinger, would like to add to that statement.

Mr. Pottinger. I would like to add one brief point with regard to your original question, and that is that I think that it would be a mistake to assume that all majority Negro districts, or those that consitute 50 percent or more of any racial or ethnic group, cannot be desegregated successfully.

That would be a mistake.

In fact, I think it would demonstrate——

Senator Dominick. Dr. Pottinger, we have a high school district encompassing a whole county, and there are only two blacks living in the whole county, and they both happen to be teachers.

Mr. Pottinger. I understand that, but I was talking about what I thought you were addressing yourself to originally.

With regard to the heavily minority group districts, we have seen this fall a number of districts, that happened to be in the South, desegregate successfully under those circumstances.

All I was suggesting is that there are two things involved here: First, that a sensitive and fair use of compensatory programs such as the Commissioner has just described, as well a the kinds of programs that all of the bills presently before this committee are designed to achieve, would successfully, I think, achieve desegregation or interracial programs even in those districts that are heavily made up of minority children. I am aware that there are serious problems desegregating districts populated largely by minority group children—the Charlotte-Mecklenberg case presently before the Supreme Court may shed light on this issue—but I would hope that we would not conclude that successful integration could not take place under those circumstances.

Senator **Dominick**. I also hope we would conclude that you do not have to rearrange a school district so that it encompasses two or three counties in order to accomplish a preconceived quota that someone conceived as a social experiment.

It seems to me we would do better in increasing our efforts on fair housing rather than doing that.

That is all I have.

Senator **Pell**. Thank you.

I would urge the administration witnesses, in making their record, to be as succinct as possible, so that nonlawyers can understand the answers. I have a feeling that some of the questions the Senator asked were not answered as directly as they might have been.

I think errors have been made, and when a smokescreen is sent up, the thought occurs that there are a lot more errors than you thought there were originally.

Senator **Mondale**. The Senator from Colorado asked the question about the spread of funds nationally with respect to other minorities.

One of the key amendments adopted on the floor was one which asked that this not be just a southern program. I think the North stands properly condemned for hypocrisy in this field, and there ought to be a national strategy for schools and one which applies to all minorities.

I am not going to go into this now, because it is nearly noon, but could you supply for the record fairly quickly, if possible, a list of all grantees, and amounts, and, if possible, the minorities involved, if not black, and broken down, if possible, by State as well?

That is, give us the State total, so that we can take a look at distribution.

Certainly in the $1.425 billion, it ought to be a national program, it ought to apply to western and northern cities and communities as well as the South, and it ought to be with respect to all minorities. That is what the law provides, and I would hope that that would be the policy of the administration.

Surely cities like Denver and other have problems that are strikingly similar and just as heartbreaking as any we have seen in the South, and this is true throughout the country.

Commissioner **Marland**. I certainly agree with what you said, Senator Mondale, and we will quickly have the information available you asked for.

It is on computers, and we have been informed it will be readily available.

(The information referred to follows:)

CURRENT DATA ON MINORITY STUDENTS

Attached is a list of all 895 projects, the amount of each grant, and the number of minority students affected by each grant. The information concerning minority students is current data taken from evaluation forms prepared by each LEA and programmed as part of a statistical data bank for ESAP. Only 684 districts have been programmed to date. Complete information on all projects will be available at an early date. This attachment will be updated at that time.

FUNDS AWARDED AND REQUESTED UNDER THE EMERGENCY SCHOOL ASSISTANCE PROGRA
BY DISTRICT AND STATE AS OF FEBRUARY 26, 1971

DISTRICT	AMOUNT AWARDED	MINORITY STUDENTS
Alabama		
Brewton City Schools	$ 16,884	639
Butler County Board of Education	77,454	2,689
Demopolis City Schools	27,664	1,035
Elba City Board of Education	14,057	227
Eufaula City Board of Education	29,000	1,032
Lanette City Schools	14,598	395
Russell County Board of Education	99,400	3,604
Troy City School Board	28,300	963
Total 8 Districts	$ 307,357	
Alexander City Board of Education	33,824	930
Andalusia City Board of Education	18,000	294
Auburn City Schools	63,740	1,175
Baldwin County Board of Education	109,508	
Clay County Board of Education	11,450	172
Conecuh County Board of Education	63,672	1,146
Decatur City Schools	25,722	385
Dale County Board of Education	8,568	270
Dothan City Board of Education	72,464	1,194
Fairfield City Board of Education	50,234	1,726
Lee County Board of Education	62,328	2,273
Limestone County Board of Education	31,320	1,494
Macon County Board of Education	90,018	4,340
Monroe County Board of Education	100,268	3,717
Phenix City Board of Education	74,312	2,666
Randolph County Board of Education	31,472	826
St. Clair County Board of Education	22,914	378
Sylacauga City Board of Education	27,468	906
Subtotal 18 Districts	$ 897,282	
Total 26 Districts	$ 1,204,639	

DISTRICTS	AMOUNT AWARDED	MINORITY STUDENTS
Alabama		
Coosa County Board of Education	$ 31,220	594
Gadsden City Bd. of Education	58,446	1,405
Lamar County Bd. of Education	6,180	251
Madison County Bd. of Education	93,000	186
Talladaga City Bd. of Education	54,100	748
Subtotal 5 Districts	$ 242,946	
Total 31 Districts	1.447.585	
Choctaw County Board of Education	$ 69,916	1,358
Covington County School Board	10,116	
Enterprise City Schools	30,772	983
Morgan County Board of Education	12,870	264
Ozark City Schools	27,000	929
Pike County Board of Education	50,740	1,697
Russellville City Schools	6,030	345
Selma City School Board	105,868	2,899
Tallapoosa County Board of Education	47,348	370
Walker County Board of Education	8,800	
Subtotal 10 Districts	$ 369,460	
Total 41 Districts	$ 1,817,045	
Anniston City School System	$ 113,460	3,212
Athens City Board of Education	13,440	340
Birmingham Public Schools	1,008,810	33,124
Calhoun County Board of Education	28,152	273
Clarke County Board of Education	94,125	1,891
Colbert County Board of Education	35,644	1,145
Greene County Board of Education	55,100	2,885
Opelika City Schools	48,888	
Subtotal 8 Districts	$ 1,397,619	
Total 49 Districts	$ 3,214,664	

DISTRICTS	AMOUNT AWARDED	MINORITY STUDENTS
Alabama (cont'd)		
Barbour County Board of Education	$ 65,350	1,203
Florence City Board of Education	26,838	
Lauderdale County Board of Education	7,610	
Montgomery County Public Schools	469,600	16,931
Tuscaloosa City Board of Education	191,890	5,543
Subtotal 5 Districts	$ 761,288	
Total 54 Districts	$3.975.952	
Sheffield City Board of Education	$ 13,158	715
Shelby County Board of Education	60,700	679
Talladega County Board of Education	168,247	3,434
Subtotal 3 Districts	$ 242,105	
Total 57 Districts	$4,218,057	
Chambers Board of Education	$ 87,922	3,370
Chilton County Board of Education	24,606	402
Elmore County Board of Education	56,283	
Escambia County Board of Education	54,074	1,144
Subtotal 4 Districts	$ 222,885	
Total 61 Districts	$4,440,942	
Pickens County Board of Education	$ 77,139	
Tuscaloosa County Board of Education	124,950	
Subtotal 2 Districts	$ 202,089	
Total 63 Districts	$4,643,031	
Bessemer City Schools	$ 140,400	
Subtotal 1 District	$ 140,400	
Total 64 Districts	$4,783,431	

DISTRICTS			AMOUNT AWARDED	MINORITY STUDENTS
Alabama (Cont'd)				
Autauga County Board of Education		$	65,000	
Bullock County Board of Education			77,392	
Lawrence County Board of Education			42,425	
Washington County Board of Education			30,510	
Subtotal	4 Districts	$	215,327	
Total	68 Districts	$	4,998,758	
Perry County Board of Education		$	49,750	
Subtotal	1 District	$	49,750	
Total	69 Districts	$	4,048,508	
Marion City Board of Education		$	46,500	
Subtotal	1 District	$	46,500	
Total	70 Districts	$	5,095,008	
			54 Districts	122,796

DISTRICTS		AMOUNT AWARDED	MINORITY STUDENTS
Arkansas			
Ashdown School District #31	$	46,000	662
Camden Public School District		65,485	1,514
Clarendon School District #6		7,527	340
Conway School District #1		24,110	571
Crossett School District		23,850	801
Elaine School District		48,600	893
Eudora Public Schools		20,431	1,157
Helena-West Helena District #2		110,100	
Hot Springs School District #6		24,250	396
Lakeside School District #1		41,400	920
Monticello Public Schools		31,980	581
Newport School District		11,250	764
Prescott School District #14		10,200	575
Saratoga School District #11		16,200	246
Wynne School District		29,300	1,049
Total 15 Districts	$	510,683	
Augusta School District #10		24,400	
Dermott School District		18,500	1,078
Desha County Independent School		4,600	125
Forrest City School District		64,800	
Gould School District		8,900	998
McGhehee School District		18,500	706
Parkdale School District #25		3,800	189
Warren School District		24,700	438
Wilmar School District #20		10,100	247
Subtotal 9 Districts	$	178,300	
Total 24 Districts	$	688,983	
Drew-Central School District	$	4,100	246
Dumas School District		88,560	795
Emerson School District		7,500	240
Emmet School District		1,800	47
England School District		18,100	608
Hamburg School District		12,400	403
Hope School District		61,400	493
Lonoke School District		17,000	556
McNeil School District		4,900	302
Portland School District		12,400	
Stephens School District		11,000	298
Thornton School District		4,700	251

DISTRICTS	AMOUNT AWARDED	MINORITY STUDENTS
Watson School District	$ 11,300	174
Subtotal 13 Districts	255,160	
Total 37 Districts	$ 944,143	
Armorel School District	$ 7,015	193
Desha-Drew School System	12,500	256
Luxora School District	24,000	374
Malvern School District	16,550	795
Parkin School District	22,300	760
Waldo School District	11,600	418
Subtotal 6 Disricts	$ 93,965	
Total 43 Districts	$ 1,038,108	
Arkansas City School District	$ 2,600	73
Holly Grove School District	29,800	882
Lewisville School District	13,900	428
Okolona School District	4,850	163
Pine Bluff School District	101,800	5,771
Stuttgart School District	26,250	
Subtotal 6 Districts	$ 179,200	
Total 49 Districts	$ 1,217,303	
Altheimer School District	$ 23,700	
Bright Star School District	10,000	
Crawfordsville School District	34,650	1,033
Gurdon School District	13,400	391
Marvell School District	58,500	1,779
Norphlet School District	6,000	175
Plum Bayou School District	16,300	229
St. Charles School District	4,650	138
Texarkana School District	40,000	
Subtotal 9 Districts	$ 207,200	
Total 58 Districts	$ 1,424,508	

DISTRICTS	AMOUNT AWARDED	MINORITY STUDENTS
Arkansas (cont'd)		
Arkansas Juvenile School	$ 53,840	139
Blevins School District	9,650	201
Foreman School District	9,680	232
Stamps School District	28,500	490
Turrell School District	16,000	427
Subtotal **5 Districts**	$ 117,670	
Total **63 Districts**	$ 1,542,178	
Bearden School District	$ 7,500	244
Brinkley School District	38,000	696
Chidester School District	5,420	268
Cotton Plant School District	15,320	597
El Dorado School District	52,549	1,146
Wabbaseka School District	37,600	
Subtotal **6 Districts**	$ 156,389	
Total **69 Districts**	$ 1,698,567	
Hermitage School District	$ 7,800	99
Mineral Springs School District	14,600	229
Subtotal **2 Districts**	$ 22,400	
Total **71 Districts**	$ 1,720,967	
Bradley School District	$ 9,800	481
Fordyce School District	18,000	
Harmony Grove School District	5,100	
McCrory School District	4,500	
Subtotal **4 Districts**	$ 37,400	
Total **75 Districts**	$ 1,758,367	
Barton-Lexa School District	$ 20,780	
Hughes School District	29,600	
Marianna School District	140,300	
Subtotal **3 Districts**	$ 190,680	
Total **78 Districts**	$ 1,949,047	

DISTRICTS		AMOUNT AWARDED	MINORITY STUDENTS
Arkansas (cont'd)			
Desha Central School District		$ 8,932	
Huttig School District #60		4,700	
Mount Holly School District		4,800	
Subtotal	3 Districts	$ 18,432	
Total	81 Districts	$ 1,967,479	
		63 Districts	37,770

DISTRICTS	AMOUNT AWARDED	MINORITY STUDENTS
California		
Inglewood Unified School District	$ 74,938	
Pasadena Unified School District	115,000	
Subtotal 2 Districts	$ 189,938	
Total 2 Districts	$ 189,938	

DISTRICTS		AMOUNT AWARDED	MINORITY STUDENTS
Florida			
Alachua County School Board	$	125,879	1,377
Baker County School Board		17,000	484
Bay County School Board		56,000	
Bradford County School Board		15,000	873
Calhoun County Schools		7,000	85
Duval County School Board		798,713	10,803
Escambia County School District		224,895	5,096
Flagler County School Board		15,000	
Gadsden County Public School System		233,300	7,204
Gulf County School Board		16,040	
Hamilton School Board		32,000	1,076
Hendry County School Board		18,000	334
Highland County School Board		32,000	1,817
Indian River County School Board		44,000	2,545
Jackson County School Board		58,036	776
Jefferson County School Board		45,000	1,780
Lafayette County School Board		3,500	138
Lake County School Board		113,482	1,848
Lee County School Board		72,024	3,846
Madison School Board of Education		50,000	787
Nassau County Board of Public Instruction		25,000	1,251
Putnam County School System		58,440	3,216
Seminole County School District		80,000	4,841
St. Johns County Schools		40,725	1,813
St. Lucie County School District		179,570	5,038
Suwannee County School Board		20,000	525
Taylor County School Board		25,000	922
Volusia County Board of Education		125,580	7,619
Walton County Board of Public Instruction		12,500	307
Washington County School District		15,200	
Total 30 Districts	$	2,558,934	
Dade County Public Schools	$	2,121,905	32,979
DeSoto County School Board		15,000	
Glades County School Board		6,500	369
Martin County Board of Public Instruction		46,849	1,671
Sumter County School Board		20,036	1,145
West Palm Beach School Board of Public Instruction		360,000	11,110
Subtotal 6 Districts	$	2,570,290	
Total 36 Districts	$	5,129,224	

DISTRICTS		AMOUNT AWARDED	MINORITY STUDENTS
Florida (cont'd)			
Brevard County School Board		$ 69,000	868
Broward County School Board		772,551	
Collier County School Board		22,000	1,404
Columbia County School Board		37,200	
Hillsborough County Board of Public Instruction		320,000	2,958
Marion County School Board		100,000	5,617
Okaloosa County Board of Public Instruction		35,000	
Orange County Board of Public Instruction		140,000	6,817
Pinellas County School Board		125,439	3,415
Polk County School Board		380,000	12,638
Sarasota County School Board		45,000	421
Subtotal	11 Districts	$ 2,046,190	
Total	47 Districts	$ 7.175.414	
Liberty County School Board		$ 3,641	156
Manatee County School Board		70,000	
Subtotal	2 Districts	$ 73,641	
Total	49 Districts	$ 7,249,055	
Clay County School Board		$ 18,235	
Franklin County School Board		8,000	
Levy County School Board		20,000	985
Santa Rosa County School Board		7,260	425
Subtotal	4 Districts	$ 53,495	
Total	53 Districts	$ 7,302,550	
Dixie Board of Education		$ 4,995	306
Wakalla County Schools		9,000	170
Subtotal	2 Districts	$ 13,995	
Total	55 Districts	$ 7,316,545	
Pasco County School Board		$ 10,020	523
Subtotal	1 District	$ 10,020	
Total	56 Districts	$ 7,326,565	

5 Districts 150,38

DISTRICTS	AMOUNT AWARDED	MINORITY STUDENTS
Georgia		
Americus City Board of Education	$ 44,000	1,943
Appling County Board of Education	38,313	1,000
Atkinson County Board of Education	40,000	173
Baker County Board of Education	21,000	714
Baldwin County Board of Education	88,965	3,022
Barrow County Board of Education	27,848	358
Berrien County Schools	8,478	506
Ben Hill County Board of Education	4,248	90
Bibb County Board of Education	270,000	14,932
Bleckley County Board of Education	4,200	191
Brooks County Schools	36,351	2,103
Bryan County Board of Education	25,000	746
Buford City School System	6,000	333
Burke County Board of Education	73,500	3,697
Butts County School System	26,000	2,061
Calhoun County Board of Education	44,400	1,335
Carroll County Board of Education	28,800	1,609
Carrolton Board of Education	15,000	767
Clay County Board of Education	14,494	789
Clinch County Board of Education	13,040	344
Cochran City Schools	16,442	117
Coffee County Board of Education	37,386	2,180
Columbia County Board of Education	32,000	
Cook County Board of Education	32,374	1,157
Coweta County School System	90,282	3,161
Crawford County Board of Education	22,000	
Crisp County School System	65,925	2,416
Decatur County Board of Education	80,000	2,825
DeKalb County School System	88,000	1,969
Dodge County Board of Education	44,000	766
Dooly County Board of Education	24,499	1,710
Dougherty County School System	255,000	9,527
Dublin City Board of Education	46,000	1,446
Early County Board of Education	54,000	1,943
Echols County Board of Education	2,450	148
Effingham County Department of Education	29,400	382
Fayette County Board of Education	19,490	604
Fitzgerald City Board of Education	19,090	1,207
Gainesville City Board of Education	119,100	1,078
Glynn County Board of Education	105,000	1,391
Grady County Board of Education	38,000	1,994
Griffin-Spalding Board of Education	58,100	3,032
Haralson County Board of Education	4,000	155
Hart County Board of Education	46,908	798
Hawkinsville City Board of Education	45,000	312
Heard County Board of Education	6,726	353
Henry County Board of Education	75,711	2,704
Hogansville City Schools	8,500	158
Houston County Board of Education	51,000	2,505

DISTRICTS	AMOUNT AWARDED	MINORITY STUDENTS
Georgia (cont'd)		
Jasper County Board of Education	$ 27,000	880
Jeff Davis County Board of Education	20,004	473
Jefferson County Board of Education	56,500	2,808
Jones County Board of Education	27,520	550
LaGrange Public Schools	39,000	2,282
Lamar County Board of Education	22,500	
Lanier County Board of Education	16,000	520
Laurens County School System	23,100	721
Lee County Board of Education	29,200	1,002
Liberty County School System	31,000	449
Lincoln County Board of Education	26,500	927
Lowndes County Board of Education	48,858	913
McDuffy County Board of Education	44,128	1,878
McIntosh County Board of Education	32,000	801
Macon County Board of Education	47,000	2,061
Madison County Board of Education	7,200	
Meriwether County Board of Education	70,000	3,004
Miller County Board of Education	31,000	668
Mitchell County Board of Education	39,889	2,019
Monroe County Board of Education	35,220	1,403
Montgomery County Board of Education	13,000	653
Morgan County Board of Education	28,000	1,515
Newton County Board of Education	48,000	1,275
Oglethorpe County Board of Education	34,000	999
Peach County Board of Education	67,453	
Pelham County Board of Education	23,500	893
Pierce County Board of Education	9,200	89
Pike County Board of Education	27,892	
Putnam County Board of Education	30,560	
Quitman County Board of Education	8,500	423
Randolph County Board of Education	36,800	961
Rome Board of Education	67,000	1,896
Screven County Board of Education	43,000	1,596
Seminole County Board of Education	16,650	887
Stephens County Board of Education	12,280	353
Stewart County Board of Education	20,000	1,480
Sumter County Board of Education	30,350	1,263
Talbot County Board of Education	40,242	1,503
Taliaferro County Board of Education	10,380	
Telfair County Board of Education	47,405	
Thomas County Board of Education	36,000	
Thomasville City School Board	69,000	2,549
Tift County Board of Education	42,000	2,377
Treutlen County Board of Education	30,500	414
Turner County Board of Education	27,000	851
Twiggs County Board of Education	29,000	1,424
Vidalia City Schools	31,500	934

DISTRICTS	AMOUNT AWARDED	MINORITY STUDENTS
Georgia (cont'd)		
Walton County Board of Education	$ 43,500	1,005
Warren County School System	23,000	1,238
Washington County Board of Education	64,000	3,319
Waycross Public Schools	60,000	1,954
Wayne County Board of Education	23,000	1,249
West Point Public Schools	12,500	661
Wheeler County Board of Education	10,700	576
Wilcox County Board of Education	14,500	
Wilkes County Board of Education	34,000	1,578
Wilkinson County Board of Education	22,000	1,128
Winder City Board of Education	15,000	305
Total 107 Districts	$ 4,121,051	
Candler County Board of Education	$ 33,500	690
Camden County Board of Education	25,032	1,296
Cartersville School Board	11,200	505
Clarke County School District	60,000	1,409
Decatur City Schools	43,400	1,280
Marietta City Schools	34,000	
Oconee County Board of Education	8,100	423
Toombs County Board of Education	35,000	735
Subtotal 8 Districts	$ 250,232	
Total 115 Districts	$ 4,371,283	
Douglas County Board of Education	$ 7,500	306
Elbert County Board of Education	32,500	2,127
Franklin County Board of Education	10,932	417
Green County School System	33,000	1,853
Jefferson City Board of Education	10,000	335
Polk County Board of Education	16,500	
Richmond County Board of Education	250,000	9,168
Tattnall County Board of Education	20,980	1,289
Troup County Board of Education	25,000	917
Walker County Department of Education	8,000	20
Subtotal 10 Districts	$ 414,412	
Total 125 Districts	$ 4,785,695	
Bartow County Board of Education	$ 13,464	
Rockdale County Board of Education	18,000	648
Subtotal 2 Districts	$ 31,464	
Total 127 Districts	$ 4,817,159	

DISTRICTS	AMOUNT AWARDED	MINORITY STUDENTS
Georgia (cont'd)		
Atlanta Public Schools	$ 1,150,939	
Bacon County Board of Education	6,000	330
Charlton County Board of Education	12,900	1,864
Chatham County Board of Education	468,000	8,799
Cobb County Board of Education	27,000	1,289
Colquitt County Board of Education	47,250	2,396
Dalton City School System	10,675	577
Hall County Board of Education	8,000	
Hancock County Board of Education	23,465	2,468
Jackson County Board of Education	3,500	157
Johnson County Schools	22,000	834
Thomaston Board of Education	16,000	1,010
Worth County Board of Education	34,000	392
Subtotal 13 Districts	$ 1,829,779	
Total 140 Districts	$ 6,646,938	
Floyd County Board of Education	$ 7,000	104
Subtotal 1 District	$ 7,000	
Total 141 Districts	$ 6,653,938	
Harris County Board of Education	$ 31,500	
Pulaski County Board of Education	40,000	
Subtotal 2 Districts	$ 71,500	
Total 143 Districts	$ 6,725,438	
Emanuel County Board of Education	$ 36,198	1,890
Subtotal 1 District	$ 36,198	
Total 144 Districts	$ 6,761,636	
Chattahoochee Board of Education	$ 3,000	296
Irwin County Board of Education	18,335	
Terrell County Board of Education	22,000	485
Subtotal 3 Districts	$ 43,335	
Total 147 Districts	$ 6,804,971	

DISTRICTS	AMOUNT AWARDED	MINORITY STUDENTS
Georgia (cont'd)		
Cherokee County Board of Education	$ 6,000	
Subtotal 1 District	$ 6,000	
Total 148 Districts	$ 6,810,971	
Taylor County Schools	$ 24,931	
Subtotal 1 District	$ 24,931	
Total 149 Districts	$ 6,835,902	
	128 Districts	189,767

DISTRICTS	AMOUNT AWARDED	MINORITY STUDENTS
Illinois		
Kankakee School District #111	$ 35,960	
Phoenix-South Holland School District #151	11,973	237
Subtotal 2 Districts	$ 47,933	
Total 2 Districts	$ 47,933	
	1 District	237

DISTRICTS	AMOUNT AWARDED	MINORITY STUDENTS
Kentucky		
Fulton County Board of Education	$ 4,430	451
Jefferson County Public Schools	32,700	
Padacah Independent School District	14,400	
Total 3 Districts	$ 51,530	
Clarke County Board of Education	$ 54,727	223
Subtotal 1 District	$ 54,727	
Total 4 Districts	$ 106,257	
	2 Districts	674

DISTRICTS	AMOUNT AWARDED	MINORITY STUDENTS
Louisiana		
Acadia Parish School Board	$ 72,000	2,661
Allen Parish School Board	30,400	1,479
Assumption Parish School Board	71,100	493
Avoyelles Parish School Board	79,100	3,467
Catahoula Parish School Board	32,500	1,026
Ouachita Parish School Board	144,000	3,078
Richland Parish School Board	60,100	2,158
Sabine Parish School Board	52,000	1,512
Total 8 Districts	$ 541,200	
Beauregard Parish School Board	$ 41,738	1,799
Jackson Parish School Board	42,000	2,845
St. Martin Parish School Board	99,600	3,726
Vernon Parish School Board	20,800	814
Subtotal 4 Districts	$ 204,138	
Total 12 Districts	$ 745,338	
East Baton Rouge Parish School Board	$ 686,318	20,472
Claiborne Parish School Board	72,500	
Subtotal 2 Districts	$ 758,818	
Total 14 Districts	$ 1,504,156	
Concordia Parish School Board	$ 87,500	2,819
Iberia Parish School Board	140,328	2,624
Iberville Parish School Board	127,200	3,126
Lafayette Parish School Board	180,140	7,107
Louisiana Department of Corrections	22,600	
Orleans Parish School Board	1,953,400	73,828
St. Helena Parish School Board	41,600	815
Tangipahoa Parish School Board	214,615	6,992
Subtotal 8 Districts	$ 2,767,383	
Total 22 Districts	$ 4,271,539	
LaFourche Parish School Board	$ 48,000	744
Monroe Parish School Board	174,000	5,390
St. Landry Parish School Board	303,603	11,251
Subtotal 3 Districts	$ 525,603	
Total 25 Districts	$ 4,797,142	

DISTRICTS		AMOUNT AWARDED	MINORITY STUDENTS
Louisiana (cont'd)			
St. Bernard Parish School Board		$ 28,330	754
Vermilion Parish School Board		30,270	
Subtotal	2 Districts	$ 58,600	
Total	27 Districts	$ 4,855,742	
Jefferson Parish School Board		$ 388,790	10,967
Pointe Coupee Parish School Board		34,500	2,958
St. Charles Parish School Board		47,460	
St. Johns Parish School Board		101,416	1,460
St. Mary Parish School Board		92,500	1,437
Tensas Parish School Board		52,350	
Union Parish School Board		35,900	2,070
West Carroll Parish School Board		36,190	981
Winn Parish School Board		28,000	933
Subtotal	9 Districts	$ 817,106	
Total	36 Districts	$ 5,672,848	
Bienville Parish School Board		$ 51,725	
Subtotal	1 District	$ 51,725	
Total	37 Districts	$ 5,724,573	
Morehouse Parish School Board		$ 95,000	
Subtotal	1 District	$ 95,000	
Total	38 Districts	$ 5,819,573	
Bogalusa Parish School Board		$ 38,800	
Evangeline Parish School Board		80,000	
Subtotal	2 Districts	$ 118,800	
Total	40 Districts	$ 5,938,373	
Ascension Parish School Board		$ 60,000	
Subtotal	1 District	$ 60,000	
Total	41 Districts	$ 5,998,373	

DISTRICTS		AMOUNT AWARDED	MINORITY STUDENTS
Louisiana (cont'd)			
Caddo Parish School Board		$ 317,670	
Subtotal	1 District	$ 317,670	
Total	42 Districts	$ 6,316,043	

31 Districts 181,786

DISTRICTS	AMOUNT AWARDED	MINORITY STUDENTS
Maryland		
Dorchester County	$ 120,654	2,245
Prince Georges County	532,709	
Total 2 Districts	$ 653,363	
Somerset County	$ 39,453	
Subtotal 1 District	$ 39,453	
Total 3 Districts	$ 692,816	
Worcester County	$ 117,224	
Subtotal 1 District	$ 117,224	
Total 4 Districts	$ 810,040	
	1 District	2,245

DISTRICTS	AMOUNT AWARDED	Minority Students
Mississippi		
Amory Public Schools	$ 24,836	514
Attala County School District	54,327	1,415
Baldwyn Separate School District	6,011	288
Bay St. Louis Municipal Separate School District	8,348	221
Benton County Schools	47,675	1,032
Bolivar County School District #1	61,625	2,180
Brookhaven Municipal Separate School District	49,741	2,220
Choctaw County School District	24,790	816
Clay County Board of Education	11,000	570
Covington County Public Schools	30,000	512
DeSoto County School District	131,850	4,467
Forest Separate School District	16,986	717
Franklin County Board of Education	31,360	555
Greene County Schools	13,000	
Greenwood Municipal Separate School District	104,200	1,098
Hattiesburg Public Schools	63,000	
Hinds County Public Schools	190,000	6,467
Itawamba County Schools	5,425	226
Jackson Municipal Separate School District	1,300,000	12,049
Jefferson County Schools	51,594	2,534
Kosciusko Municipal Separate School District	35,500	1,105
Lafayette County Board of Education	19,774	1,169
Laurel Municipal Separate School District	50,000	2,806
Leake County School Board	41,000	
Lee County School District	19,760	1,312
Leflore County School District	87,681	4,794
Louisville Municipal Separate School District	67,300	2,326
Lumberton Line Consolidated School District	11,200	362
McComb Municipal Separate School District	59,825	1,485
Madison County Schools	39,550	1,777
Marion County Schools	26,000	1,386
Marshall County Schools	52,100	1,100
Montgomery County Schools	36,646	898
Nettleton Line Consolidated School District	12,600	470
Newton County Unit Schools	15,000	399
Newton Special Municipal Separate School District	16,200	
North Pike Consolidated District	10,054	172
Noxubee County Schools	59.340	3,310
Oktibbeha County Schools	64,000	2,164
Pascagoula Municipal Separate School District	38.340	1,100
Pass Christian Municipal Separate School District	18,708	132
Poplarville Special Municipal Separate School District	10,000	162
Prentess County Board of Education	9,910	45
Rankin County Schools	90,160	3,420
Richton Municipal Separate School District	5,000	151

DISTRICTS	AMOUNT AWARDED	Minority Students
Mississippi (cont'd)		
Scott County Unit	$ 42,450	1,704
Smith County Schools	29,301	429
South Tippah Consolidated Schools	10,000	63
Starkville Municipal Separate School District	60,556	1,778
Tupelo Municipal Separate School District	24,000	950
Union Municipal Separate School District	10,250	261
Walthall County School System	50,000	1,759
Warren County School District	30,960	
Water Valley Line Consolidated School District	20,000	307
Webster County School District	25,780	99
Winona Municipal Separate School District	20,500	731
Yazoo City Municipal Separate School District	37,908	2,330
Total 57 Districts	$ 3,483,111	
Amite County Schools	$ 46,493	
Clairborne County Schools	45,000	2,413
Copiah County Schools	57,400	934
New Albany Municipal Separate School District	15,595	296
Ocean Springs Municipal Separate School District	4,248	66
Subtotal 5 Districts	$ 168,736	
Total 62 Districts	$ 3,651,847	
Columbia Municipal Separate School District	$ 18,150	
Holly Springs Municipal Separate School District	33,712	793
Lowndes County School Board	50,000	967
Meridian Public Schools	134,210	8,295
Monroe County School District	11,000	40
South Pike County Consolidated Schools	39,176	
Subtotal 6 Districts	$ 286,248	
Total 68 Districts	$ 3,938,095	
Carroll County School District	$ 46,900	
Greenville Municipal Separate School District	190,000	6,913
Gulfport Municipal Separate School District	39,100	
Harrison County School District	43,000	
Jones County Schools	35,500	1,051
Moss Point Municipal Separate School District	65,900	
Natchez Separate Municipal School District	106,218	
Subtotal 7 Districts	$ 526,618	
Total 75 Districts	$ [illegible]	

DISTRICTS		AMOUNT AWARDED	Minority Student
Mississippi (cont'd)			
Pontotoc County School District		$ 9,000	316
South Panola Consolidated School District		65,000	
Subtotal	2 Districts	$ 74,000	
Total	77 Districts	$ 4,538,713	
Alcorn County School System		$ 7,700	
Subtotal	1 District	$ 7,700	
Total	78 Districts	$ 4,546,413	
Houston Municipal Separate School District		$ 20,000	249
Leland Consolidated Schools		46,660	2,060
Lincoln County School District		17,650	1,016
Perry County Schools		25,000	361
Senatobia Municipal Separate School District		24,000	
Simpson County Schools		60,282	2,067
Subtotal	6 Districts	$ 193,592	
Total	84 Districts	$ 4,740,005	
Lauderdale County School System		$ 30,000	1,319
Quitman County School Board		80,000	3,092
Subtotal	2 Districts	$ 110,000	
Total	86 Districts	$ 4,850,005	
Calhoun County School District		$ 40,000	1,369
Durant Municipal Separate School District		20,000	
Indianola Municipal Separate School District		42,000	2,874
Jefferson Davis County Board of Education		64,000	2,090
Okolona Municipal Separate School District		24,000	776
Subtotal	5 Districts	$ 190,000	
Total	91 Districts	$ 5,040,005	

DISTRICTS		AMOUNT AWARDED	Minority Stu
Mississippi (cont'd)			
Oxford Municipal Separate School District		$ 40,000	
Subtotal	1 District	$ 40,000	
Total	92 Districts	$ 5,080,005	
Chickasaw County School District		$ 9,600	
Subtotal	1 District	$ 9,600	
Total	93 Districts	$ 5,089.605	
Lawrence County Schools		$ 26,620	
Subtotal	1 District	$ 26,620	
Total	94 Districts	$ 5,116,225	
		74 Districts	119,694

DISTRICTS		AMOUNT AWARDED	Minority Studen
Missouri			
New Madrid School District R-1		$ 57,385	
Subtotal	1 District	$ 57,385	
Total	1 District	$ 57,385	
North Pemiscot School District R-1		$ 29,175	
Subtotal	1 District	$ 29,175	
Total	2 Districts	$ 86,560	

DISTRICTS		AMOUNT AWARDED	Minority Students
New Jersey			
Neptune Township Public Schools		$ 13,695	2,952
Union Township Public Schools		28,600	
Subtotal	2 Districts	$ 42,295	
Total	2 Districts	$ 42,295	
Tinton Falls Schools		$ 19,000	
Subtotal	1 District	$ 19.000	
Total	3 Districts	$ 61,295	
Fairfield Township Board of Education		$ 32,000	
Subtotal	1 District	$ 32,000	
Total	4 Districts	$ 93,295	

1 District 2,952

DISTRICTS	AMOUNT AWARDED	Minority Stude
North Carolina		
Alamance County Board of Education	$ 80,010	2,937
Beaufort County Schools	42,000	1,213
Brunswick County School Board	43,812	1,740
Camden County Board of Education	20,916	552
Caswell County Schools	95,000	1,487
Cleveland County Board of Education	48,413	1,134
Craven County Board of Education	87,000	871
Durham County Schools	111,313	5,550
Duplin County Board of Education	121,235	4,098
Fairmont City Schools	34,000	1,014,996
Gaston County Board of Education	60,000	1,247
Gates County School Board	45,632	645
Greenville City Board of Education	64,200	
Halifax County School Board	205,476	6, 6,035
Hertford County School District	125,000	4,244
Johnston County Board of Education	117,450	3,798
Martin County Board of Education	110,349	2,859
Pamlico County Board of Education	30,650	1,140
Pasquotank-Elizabeth City School Board	50,859	2,427
Perquimans County Board of Education	34,819	
Person County Board of Education	54,500	2,855
Pitt County Board of Education	196,464	3,703
Red Springs City School Board of Education	28,765	1,226
Richmond County School System	113,040	2,020
Rockingham County Board of Education	30,000	1,148
Scotland-Laurinburg County Schools	88,368	3,396
Shelby City Schools	38,696	1,333
Statesville City Schools	24,390	1,342
Vance County Board of Education	86,953	4,512
Wake County Board of Education	207,093	7,319
Wayne County Board of Education	77,465	1,431
Whiteville City Schools	21,413	
Wilson County Board of Education	60,000	2,229
Total 33 Districts	$ 2,555,281	
Anson County Board of Education	49,176	3,563
Clinton City Schools	44,213	1,523
Elm City Board of Education	25,956	921
Greene County Board of Education	49,212	1,432
Hoke County Board of Education	89,240	3,173
Iredell County Board of Education	33,800	1,529
Kannapolis City Board of Education	19,350	1,046
Kings Mountain City Schools	47,500	996
Lexington City School System	22,000	607
Moore County Schools	92,183	3,339
Monroe City Schools	17,460	989
~~Roberson~~ Robeson County Board of Education	253,467	10,301
Sampson County Board of Education	110,057	3,895
Thomasville Board of Education	29,415	769
Subtotal 14 Districts	**$ 883,029**	
Total 47 Districts	**$ 3,438,310**	

DISTRICTS		AMOUNT AWARDED	Minority Student
North Carolina (cont'd)			
Durham City Schools	$	229,783	
High Point City Board of Education		106,815	3,738
Kinston City Board of Education		101,288	3,047
Lumbarton City Schools		25,000	363
Stanly County Schools		12,070	468
Washington County Board of Education		57,200	2,477
Subtotal 6 Districts	$	532,156	
Total 53 Districts	$	3,970,466	
Hyde County Board of Education	$	37,000	813
New Hanover Board of Education		86,770	1,129
Tarboro City Board of Education		43,832	1,165
Weldon City Board of Education		41,900	567
Winston Salem-Forsythe School District		250,738	4,238
Subtotal 5 Districts	$	460,240	
Total 58 Districts	$	4,430,706	
Albermarle City Schools	$	8,000	411
Asheville City Schools		70,700	1,411
Charlotte-Mecklenburg Schools		708,100	24,409
Cumberland County Schools		126,682	2,937
Edenton-Chowan Board of Education		48,200	
Fayetteville City Board of Education		154,880	6,320
Lincoln County Board of Education		15,000	576
Nash County Board of Education		185,252	6,417
Orange County Board of Education		56,361	553
Rowan County Schools		98,520	1,191
Rutherford County Board of Education		17,450	443
Union County Board of Education		66,000	1,293
Wilkes County Board of Education		10,000	396
Wilson City Board of Education		70,000	3,537
Subtotal 14 Districts	$	1,635,145	
Total 72 Districts	$	6,065,851	
Chatham County Board of Education	$	74,378	2,666
Columbus County Schools		118,900	4,240
Eden City Schools		33,850	348
Harnett County Board of Education		79,212	4,010
Salisbury City Schools		75,000	1,475
Washington City School Board		45,081	1,617
Subtotal 6 Districts	$	426,421	
Total 78 Districts	$	6,492,272	

DISTRICTS	AMOUNT AWARDED	Minority Student
North Carolina (cont'd)		
Bertie County Board of Education	$ 81,954	4,296
Franklinton City Schools	26,000	637
Subtotal 2 Districts	$ 107,954	
Total 80 Districts	$ 6,600,226	
Maxton City School Administrative Unit	$ 34,993	1,157
Subtotal 1 District	$ 34,993	
Total 81 Districts	$ 6,635,219	
Currituck County Board of Education	$ 17,472	602
Subtotal 1 District	$ 17,472	
Total 82 Districts	$ 6,652,691	
Granville County Board of Education	$ 119,420	3,940
Subtotal 1 District	$ 119,420	
Total 83 Districts	$ 6,772,111	
New Bern City Schools	$ 56,000	
Subtotal 1 District	$ 56,000	
Total 84 Districts	$ 6,828,111	
Davie County Schools	$ 15,000	
Mooresville City School Board	17,000	
St. Paul's City School Board	31,300	
Stokes County Board of Education	12,237	
Tyrrell County Board of Education	18,000	
Subtotal 5 Districts	$ 93,537	
Total 89 Districts	$ 6,921,648	
	78 Districts	198,457

DISTRICTS		AMOUNT AWARDED	Minority Student
Oklahoma			
Ardmore City Schools		$ 26,000	372
Beggs Public Schools		12,672	315
Checotah Independent School District #19		8,515	311
Chickasha Public Schools		33,139	512
Enid Public Schools		18,800	226
Gutherie Independent School District		19,331	605
Muskogee City Schools		72,025	
Okmulgee Public School District I-1		52,755	1,458
Total	8 Districts	$ 243,237	
McAlester Public Schools		$ 21,900	293
Subtotal	1 District	$ 21,900	
Total	9 Districts	$ 265,137	
Dubois Public Schools		$ 1,700	72
Subtotal	1 District	$ 1,700	
Total	1 Districts	$ 266,837	
		9 Districts	4,164

DISTRICTS		AMOUNT AWARDED	Minority Student
Pennsylvania			
Clairton City School District		$ 60,100	1,158
Farrell Area School District		39,886	667
Harrisburg City School District		75,723	801
McKeesport Area School District		31,250	1,226
Susquehanna Township School District		17,100	157
Washington School District		16,680	351
Subtotal	6 Districts	$ 240,739	
Total	6 Districts	$ 240,739	
Alliqui[illegible] Borough School District		$ 58,912	1,592
Darby Township School District		75,730	625
Subtotal	2 Districts	$ 134,642	
Total	8 Districts	$ 375,381	
Coatesville Area School District		$ 72,733	
Subtotal	1 District	$ 72,733	
Total	9 Districts	$ 448,114	
			8 Districts 6,577

DISTRICTS	AMOUNT AWARDED	Minority Students
South Carolina		
Abbeville County School District #60	$ 36,800	1,932
Aiken County School Board	209,000	
Allendale County School District	36,218	1,662
Anderson County School Board #1	13,000	327
Anderson County School Board #2	16,108	299
Bamberg School District #1	31,770	1,224
Bamberg School District #2	18,230	1,295
Beaufort County School Board	89,250	5,649
Berkeley County School District	128,000	6,705
Charleston County School District	441,218	18,409
Chester County Schools	103,959	3,378
Colleton County School District	81,828	4,357
Darlington County School District	145,746	7,451
Dillon County School District #1	25,101	
Dillon County School District #2	75,000	2,494
Dillon County School District #3	31,716	1,035
Edgefield School District	50,000	
Fairfield County Schools	70,662	
Florence County School Board #1	107,934	1,252
Florence County School Board #2	25,261	779
Florence County School Board #5	7,500	434
Greenville School District	359,998	12,484
Greenwood School District #50	60,000	3,456
Greenwood School District #52	8,000	125
Hampton County School Board #1	38,000	260
Hampton County School Board #2	31,440	1,362
Horry County School District	180,145	6,189
Jasper County Board of Education	42,057	2,012
Kershaw County School District	90,664	1,989
Lancaster County School Board	66,000	3,440
Laurens County School District #55	61,884	
Lee County School District	74,500	2,657
Lexington County School District #4	8,825	320
McCormick City School Board	47,696	1,828
Marion County School Board #3	23,500	765
Marion County School Board #4	7,500	380
Marlboro School District	115,000	3,883
Newberry County Public Schools	77,714	2,304
Oconee County School District	32,866	350
Orangeburg School District #3	68,847	3,618
Orangeburg School District #4	19,173	780
Orangeburg County School District #5	125,084	4,384
Orangeburg County School District #6	19,600	
Orangeburg County School District #7	25,568	928
Orangeburg County School District #8	10,885	341
Richland County School District #1	383,655	19,238
Richland County School District #2	24,233	1,286
Saluda County School District #1	29,600	1,018
Spartanburg County School District #1	15,700	805
Sumter School District #17	156,243	2,798
Union County School Board	50,300	3,315

DISTRICTS		AMOUNT AWARDED	Minority Stude
South Carolina (cont'd)			
York County School Board #2		$ 17,081	459
York County School Board #3		51,275	4,028
York County School Board #4		11,200	218
Total	54 Districts	$ 4.081.634	
Cherokee County School District		$ 66,175	2,086
York County School District #1		30,070	
Subtotal	2 Districts	$ 96,245	
Total	56 Districts	$ 4,177,879	
ANDERSON ~~Anniston~~ County School District #5		$ 51,960	699
Claredon County District #1		23,400	
Subtotal	2 Districts	$ 75,360	
Total	58 Districts	$ 4,253,239	
Barnwell Public Schools #45		$ 24,900	928
Pickens County School District		16,535	119
Subtotal	2 Districts	$ 41,435	
Total	60 Districts	$ 4,294,674	
Chesterfield County School District		$ 66,110	2,376
Orangeburg County School District #2		17,700	999
Subtotal	2 Districts	$ 83,810	
Total	62 Districts	$ 4,378,484	
Florence County School District #3		$ 55,900	2,220
Subtotal	1 District	$ 55,900	
Total	63 Districts	$ 4,434,384	
Lexington County School District #2		$ 62,140	492
Subtotal	1 District	$ 62,140	
Total	64 Districts	$ 4.496.524	

DISTRICTS		AMOUNT AWARDED	Minority Studen
South Carolina (cont'd)			
Clarendon County School Board #3		$ 14,700	
Georgetown County Board of Education		111,870	1,948
Marion School District #1		58,300	
Subtotal	3 Districts	$ 184,870	
Total	67 Districts	$ 4.631.394	
Barnwell School District #29		$ 19,510	
Calhoun County School District		45,500	
Clarendon County School District #2		19,610	
Lexington School District #5		16,887	
Spartenburg County School District #6		17,507	
Spartenburg County School District #7		85,122	
Subtotal	6 Districts	$ 204,136	
Total	73 Districts	$ 4,885,530	
Dorchester County #3		$ 10,170	
Subtotal	1 District	$ 10,170	
Total	74 Districts	$ 4,895,700	
		57 Districts	157,569

DISTRICTS	AMOUNT AWARDED	Minority Students
Tennessee		
Alamo City School Board	$ 1,800	209
Bells City Schools	1,440	222
Chester County Board of Education	10,700	189
Covington City Schools	27,680	491
Gibson County Board of Education	23,436	340
Hardeman County Board of Education	79,000	2,723
Haywood County Board of Education	126,573	1,537
Hickman County Board of Education	4,250	
Humboldt Board of Education	23,094	292
Jackson City Schools	95,564	1,445
Lake County Board of Education	12,000	1,311
Lauderdale County Board of Education	65,000	4,669
Lebanon - 10th School District	9,281	273
McNairy County Board of Education	6,700	118
Madison County Board of Education	74,000	282
Maury City Board of Education	1,500	321
Metropolitan Public Schools-Davidson County	565,400	23,554
Milan City Board of Education	9,216	394
Murfreesboro City Schools	15,480	798
Robertson County Board of Education	24,714	555
Shelby County Board of Education	245,000	4,191
Tipton County Board of Education	80,108	1,266
Trousdale County Board of Education	5,000	24
Union City Board of Education	12,500	507
Wilson County Schools	11,815	182
Total 25 Districts	$ 1,531,251	
Cleveland City Schools	$ 10,420	114
Henderson County Board of Education	3,390	
Hardin County Board of Education	3,820	
Williamson County Board of Education	9,750	
Subtotal 4 Districts	$ 27,380	
Total 29 Districts	$ 1,558,631	
Fayetteville City School System	$ 6,282	352
Subtotal 1 District	$ 6,282	
Total 30 Districts	$ 1,564,913	

DISTRICTS		AMOUNT AWARDED	Minority Students
Tennessee (cont'd)			
Alcoa City School System		$ 8,750	431
Fayette County Board of Education		89,525	5,027
Maury County Board of Education		24,200	
Rutherford County Board of Education		15,300	2,816
Subtotal	4 Districts	$ 137,775	
Total	34 Districts	$ 1,702,688	
Watertown 16th Special School District		$ 800	46
Subtotal	1 District	$ 800	
Total	35 Districts	$ 1,703,488	
Gadsden Special School District		$ 24,832	
Memphis City Board of Education		1,492,531	
Subtotal	2 Districts	$ 1,517.363	
Total	37 Districts	$ 3.220.851	
Sumner County Board of Education		$ 33,814	1,117
Subtotal	1 District	$ 33,814	
Total	38 Districts	$ 3,254,665	
		31 Districts	55,796

DISTRICTS	AMOUNT AWARDED	Minority Stuc
Texas		
Amarillo I.S.D.	$ 103,000	3,459
Brenham I.S.D.	58,970	1,275
Burkeville I.S.D.	20,450	429
Center I.S.D.	20,400	
Crockett I.S.D.	50,200	507
Crosby I.S.D.	43,400	1,123
Cypress Fairbanks I.S.D.	36,800	1,034
Ennis I.S.D.	24,400	
Galena Park I.S.D.	66,130	1,276
Greenville I.S.D.	35,765	1,307
Groesbeck I.S.D.	18,500	92
Harleton I.S.D.	11,600	95
Hemphill I.S.D.	22,840	365
Jasper I.S.D.	37,530	1,186
Kaufman I.S.D.	19,500	435
LaMarque I.S.D.	109,519	2,660
Lubbock I.S.D.	151,471	1,019
Lufkin I.S.D.	100,000	1,968
Malakoff I.S.D.	19,600	238
Marshall I.S.D.	86,300	2,961
New Diana I.S.D.	6,455	146
Palestine I.S.D.	68,598	239
Pittsburg County Line Consolidated I.S.D.	40,300	807
Smithville I.S.D.	12,100	135
Timpson I.S.D.	15,000	
West Orange Cove Consolidated I.S.D.	49,080	265
Whitehouse I.S.D.	21,156	272
Winona I.S.D.	13,400	195
Total 28 Districts	$ 1.262.464	
Chapel Hill I.S.D.	$ 33,685	818
Elysian Fields I.S.D.	17,300	374
Garrison I.S.D.	10,850	274
Longview I.S.D.	131,900	2,983
Milford I.S.D.	6,900	112
Montgomery I.S.D.	12,000	
San Angelo I.S.D.	130,600	709
San Augustine I.S.D.	31,780	733
Shelbyville I.S.D.	17,200	285
Teylor I.S.D.	48,265	380
Waskom I.S.D.	18,900	
Wilmer-Hutchins I.S.D.	122,470	
Wichita Falls I.S.D.	65,800	2,996
Subtotal 13 Districts	$ 647,650	
Total 41 Districts	$ 1,910,114	

DISTRICT		AMOUNT AWARDED	MINORITY STUDENTS
Texas (Cont'd)			
Abilene I.S.D.		$ 67,500	2,548
Carthage I.S.D.		47,400	1,060
El Campo I.S.D.		39,535	1,316
Fort Enis I.S.D.		38,950	
Gilmer School System		38,400	699
Italy I.S.D.		11,139	
Kilgore I.S.D.		40,550	912
Leon I.S.D.		13,200	142
Liberty I.S.D.		13,800	181
Slaton I.S.D.		33,000	566
West Sabine I.S.D.		13,300	158
Subtotal	11 Districts	$ 356,774	
Total	52 Districts	$ 2,266,888	
Clarkesville I.S.D.		$ 26,780	
Galveston I.S.D.		199,900	
Hardin-Jefferson I.S.D.		23,660	
San Antonio I.S.D.		1,431,945	55,902
Subtotal	4 Districts	$ 1,682,285	
Total	56 Districts	$ 3,949,173	
Buffalo I.S.D.		$ 14,550	101
Bastrop I.S.D.		20,080	568
Grapeland I.S.D.		27,680	73
Hallsville I.S.D.		30,270	269
Mineola I.S.D.		17,370	229
Newton I.S.D.		14,900	
Snook I.S.D.		6,600	
Texarkana I.S.D.		56,760	1,359
Waxahachie I.S.D.		79,934	1,244
Subtotal	9 Districts	$ 268,144	
Total	65 Districts	$ 4,217,317	
Cold-Springs/Oakhurst I.S.D.		$ 23,100	
Hearne I.S.D.		26,875	
Jacksonville I.S.D.		57,252	1,105
Tennaha I.S.D.		12,900	112
Tyler I.S.D.		180,747	
Waller I.S.D.		22,000	476
Subtotal	6 Districts	$ 322,874	
Total	71 Districts	$ 4,540,191	

DISTRICTS		AMOUNT AWARDED	Minority Stu
Texas (cont'd)			
Anderson-Shire I.S.D.		$ 11,524	
Brownsboro I.S.D.		5,700	309
Centerville I.S.D.		23,975	299
Denton I.S.D.		72,946	593
Houston I.S.D.		2,025,000	
LaMar Consolidated I.S.D.		126,435	
Lamesa I.S.D.		59,110	
Paris I.S.D.		68,440	
Tatum I.S.D.		23,200	
Weimar I.S.D.		10,000	329
Subtotal	10 Districts	$ 2,[illegible]6,380	
Total	81 Districts	$ 6,966,571	
Bay City Schools		$ 56,400	
Broaddus I.S.D.		9,000	95
Terrell I.S.D.		75,641	
Henderson I.S.D.		37,198	
Liberty-Eylau I.S.D.		38,732	1,015
Subtotal	5 Districts	$ 216,971	
Total	86 Districts	$ 7,183,542	
McKinney I.S.D.		$ 24,455	
Subtotal	1 District	$ 24,455	
Total	87 Districts	$ 7.207.997	
Corrigan-Camden I.S.D.		$ 25,000	399
Dickinson I.S.D.		23,000	
Goose Creek I.S.D.		41,700	
LaVega I.S.D.		97,950	2,043
Lovelady I.S.D.		20,820	
South Park I.S.D.		194,810	
Subtotal	6 Districts	$ 403,280	
Total	93 Districts	$ 7,611,277	
Huntsville I.S.D.		$ 62,600	
Subtotal	1 District	$ 62,600	
Total	94 Districts	$ 7,673,877	

DISTRICTS		AMOUNT AWARDED	Minority Student
Texas (cont'd)			
Navasota I.S.D.		$ 45,720	
Subtotal	1 District	$ 45,720	
Total	95 Districts	$ 7,719,597	
Dennison I.S.D.		$ 29,062	
Ferris I.S.D.		18,500	
Joaquin I.S.D.		9.300	
Temple I.S.D.		56,000	
Subtotal	4 Districts	$ 112,862	
Total	99 Districts	$ 7,832,459	
Hooks I.S.D.		$ 7,775	
Pleasant Grove C.S.D.		20,375	
Subtotal	2 Districts	$ 28,150	
Total	101 Districts	$ 7,860,609	
Hitchcock I.S.D.		$ 28,130	
Trinity I.S.D.		11,250	
Subtotal	2 Districts	$ 39,380	
Total	103 Districts	$ 7,899,989	
Cuero I.S.D.		$ 25,505	
Queens City ISD		$ 10,200	
Subtotal	2 District	$ 35,705	
Total	105 Districts	$ 7.935.694	
Hamshire-Fannet I.S.D.		$ 15,500	
Jefferson I.S.D.		56,000	
Subtotal	1 District	$ 71,500	
Total	107 Districts	$ 8,007,194	
Fairfield I.S.D.		$ 19,681	
Subtotal	1 District	$ 19,681	
Total	108 Districts	$8,026,875	
		63 Districts	107,257

DISTRICTS		AMOUNT AWARDED	Minority Student
Virginia			
Accomack County Schools		$ 94,784	2,585
Amelia County Schools		52,325	1,129
Bedford County Schools		37,146.54	1,827
Buckingham County Schools		40,350	1,558
Charlotte County Schools		41,600	1,532
Fluvanna County Schools		45,245	551
Gloucester County Schools		39,080	880
Halifax County Schools		132,270	2,485
Hampton City Schools		170,627	
Isle of Wight County Schools		52,362	3,025
Loudoun County Schools		33,000	
Louisa County Schools		82,606	1,815
Lynchburg City Schools		160,480	1,430
Mathews County Schools		26,200	478
Middlesex County Schools		40,330	730
Nansemond County Schools		142,150	
Nelson County Schools		56,825	
New Kent County Schools		57,000	
Norfolk City Schools		294,025	24,270
Northampton Schools		28,000	1,852
Northumberland County Schools		32,814	
Nottoway County Schools		50,622	768
Pittsylvania County Schools		235,000	
Powhatan County Schools		32,210	563
Prince George County Schools		29,051.07	1,469
Richmond City Schools		614,563	17,364
Roanoke City Public Schools		142,685	1,190
Southampton County Schools		85,000	
South Boston City Schools		21,200	414
Spotsylvania County Schools		46,121	406
Suffolk City Schools		49,800	755
West Moreland=Colonial Beach Schools		62,640	855
Total	**32 Districts**	$ 3,028,111.61	
Greenville County School Board		**$ 73,385**	2,424
Subtotal	**1 District**	**$ 73,385**	
Total	**33 Districts**	**$ 3,101,496.61**	
Danville City Schools		**$ 73,980**	
Subtotal	**1 District**	**$ 73,980**	
Total	**34 Districts**	**$ 3,175,476.61**	

DISTRICTS		AMOUNT AWARDED	Minority Students
Virginia (cont'd)			
Goochland County School Board		$ 69,793	1,526
Subtotal	**1 District**	$ 69,793	
Total	**35 Districts**	$ 3,245,269.61	
Amherst County School Board		$ 32,340	1,155
Dinwiddie County School Board		85,100	2,712
Essex County School Board		37,012.96	397
Fredericksburg City School Board		30,000	343
Orange County Schools		42,170	503
York County School Board		34,000	394
Subtotal	**6 Districts**	$ 260,622.96	
Total	**41 Districts**	$ 3,505,892.57	
Carolina County Public Schools		$ 61,030	
Hanover County School Board		65,767	
Henrico County School Board		52,900	1,301
Petersburg School Board		142,658	1,904
Williamsburg-James County Schools		39,095	830
Subtotal	**5 Districts**	$ 361,450	
Total	**46 Districts**	$ 3,867,342.57	
Campbell County School Board		$ 37,200	756
Charlottesville Public Schools		33,609	
Subtotal	**2 Districts**	$ 70,809	
Total	**48 Districts**	$ 3,938,151.57	
Franklin County School Board		$ 39,800	
King & Queen County School Board		24,625	263
King William County School Board		45,000	953
Subtotal	**3 Districts**	$ 109,425	
Total	**51 Districts**	$ 4,047,576.57	
Sussex County Board of Education		$ 52,541	
Subtotal	**1 District**	$ 52,541	
Total	**52 Districts**	$ 4,100,117.57	

DISTRICTS		AMOUNT AWARDED	Minority Stud
Virginia (cont'd)			
Franklin City Public Schools		$ 30,000	
Subtotal	1 District	$ 30,000	
Total	53 Districts	$ 4,130,117.57	
Chesterfield County School Board		$ 65,000	
King George County School Board		30,721	
Lulenburg County School Board		32,280	
Subtotal	3 Districts	$ 128,001	
Total	56 Districts	$ 4,258,118.57	

38 Districts 85,397

DISTRICTS		AMOUNT AWARDED	Minority Students
Virgin Islands			
School District of the Virgin Islands		$ 45,000	
Subtotal	1 District	$ 45,000	
Total	1 District	$ 45,000	
GRAND TOTAL	895 Districts	$ 62,108,202.57	**1,423,521** **(684 Districts)**

Senator **MONDALE**. Could you also give us a list of all non-public grantees that is, non-LEA's?

Commissioner **MARLAND**. Knowing that all these fine grants have not been made——

Senator **MONDALE**. Just the ones that are made.

Commissioner **MARLAND**. We can easily furnish that information as well.

(The information subsequently supplied follows:)

DEPARTMENT OF
HEALTH, EDUCATION, AND WELFARE
Office of Education
Washington, D.C. 20202

DATE:

NOTIFICATION TO MEMBERS OF CONGRESS
(Project Approval(s))

THE COMMISSIONER OF EDUCATION HAS APPROVED FOR NEGOTIATION THE FOLLOWING PROJECT(S) UNDER THE PROVISION OF

PUBLIC LAW: 91-380

TITLE OF ACT: OFFICE OF EDUCATION APPROPRIATION ACT, 1971

PROGRAM TITLE: EMERGENCY SCHOOL ASSISTANCE

PROGRAM CONTACT: MELVIN L. JOHNSON, PROGRAM DIRECTOR
400 MARYLAND AVE., S.W.
WASHINGTON, D.C. 20202

IMPORTANT NOTICE:

THE DOLLAR AMOUNT LISTED FOR EACH PROJECT SHOULD NOT BE CONSIDERED AS THE FINAL FEDERAL COMMITMENT OF FUNDS. THESE DOLLAR AMOUNTS ARE THE AMOUNTS REQUESTED BY THE APPLICANT AND ARE INDICATED IN THIS NOTICE FOR INFORMATIONAL PURPOSES ONLY. THE AMOUNT OF THE FEDERAL FUND COMMITMENT WILL BE MADE FINAL AFTER NEGOTIATION AND EXECUTION OF APPROPRIATE GRANT OR CONTRACT AWARDS.

2/5/71

RECIPIENTS	AMOUNTS	CONGRESS DISTRICT	DESCRIPTIVE TITLE
Alabama Literacy & Learning, Birmingham, Ala.	$68,000	6	Community Tutorial
Alabama Council on Human Relations, Auburn, Ala.	$10,000	3	Essay Contest
Daniel Payne College, Birmingham, Ala.	$58,000	6	Reading Program
Pulaski-Cavalry Rehabilitation Study and Action, Huntsville, Ala.	$45,000	8	Community Information
Selma Inter-Religious Project, Tuscaloosa, Ala.	$99,123	5	Student Center
Broward County Community Coordinating Group, Fort Lauderdale, Florida	$52,247	10	Community Organization
Community Action Migrant Program, Fort Lauderdale, Fla.	$65,000	10	Migrant Education
Gainesville Women for Equal Rights, Gainesville, Fla.	$49,597	2	Parent Involvement
Greater Jacksonville Economic Opportunity, Jacksonville, Florida	$30,100	3	Leadership Training
Students, Teachers, Parents-Gainesville High School, Gainesville, Fla.	$ 825	2	Student Involvement
WJCT Community Television, Jacksonville, Fla.	$113,000	3	Community Television
Dade County Youth Council, Miami, Fla.	$25,000	11,12	Youth Involvement
Lake County Economic Opportunity, Eustis, Florida	$20,000	4	Community Relations
Project REAL, Sarasota, Fla.	$ 7,000	7	Cultural Enrichment

RECIPIENTS	AMOUNTS	CONGRESS DISTRICT	DESCRIPTIVE TITLE
Concerned Parents for Equal Opportunity for Black Youth, Eatonville, Fla.	$30,000	5	Community Involvement
Theatre of Afro-Arts, Miami, Fla.	$11,250	11,12	Culture Enrichment
Baldwin County Human Relations Council, Milledgeville, Georgia	$14,796	10	Community Involvement
Carrollton Human Relations Council, Carrollton, Georgia	$14,337	6	Community Involvement
Chatham County Human Relations Council, Savannah, Georgia	$20,000	1	Attitude Change
Decatur Cooperative Ministry, Decatur, Ga.	$33,242	4	Student Outreach
Glascock-Hancock Counties Human Relations Council, Glascock-Hancock Counties, Ga.	$69,000	10	Tutorial Program
Glynn County Human Relations Council, Brunswick, Georgia	$10,800	8	Community Counseling
Center for School & Community Services, Atlanta, Univ., Atlanta, Ga.	$61,000	5	Technical Assistance
Academy Theatre, Atlanta, Georgia	$77,000	5	Workshop Plays
Southern Regional Educational Board, Atlanta, Ga.	$180,000	5	Student/Teacher Training
Albany Georgia Nursery School, Inc., Albany, Ga.	$42,000	2	Educational Enrichment
Hampton Institute, Hampton, Virginia	$160,000	1	Technical Assistance
Florida Memorial College, Miami, Fla.	$160,000	11,12	Technical Assistance
Tennessee State University, Nashville, Tenn.	$75,000	5	Technical Assistance

RECIPIENT	AMOUNTS	CONGRESS DISTRICT	DESCRIPTIVE TITLE
Prarie View A&M College, Prarie View, Texas	$140,000	10	Curriculum Development
Southern University, Baton Rouge, La.	$ 20,000	6	Youth Conferences, Technical Assistance

DEPARTMENT OF
HEALTH, EDUCATION, AND WELFARE
Office of Education
Washington, D.C. 20202

DATE: MAR 17 1971

NOTIFICATION TO MEMBERS OF CONGRESS
(Project Approval(s))

THE COMMISSIONER OF EDUCATION HAS APPROVED FOR NEGOTIATION THE FOLLOWING PROJECT(S) UNDER THE PROVISION OF

PUBLIC LAW: 91-380

TITLE OF ACT: OFFICE OF EDUCATION APPROPRIATION ACT, 1971

PROGRAM TITLE: EMERGENCY SCHOOL ASSISTANCE

PROGRAM CONTACT: MELVIN L. JOHNSON, PROGRAM DIRECTOR
400 MARYLAND AVE., S.W.
WASHINGTON, D.C. 20202

IMPORTANT NOTICE:

THE DOLLAR AMOUNT LISTED FOR EACH PROJECT SHOULD NOT BE CONSIDERED AS THE FINAL FEDERAL COMMITMENT OF FUNDS. THESE DOLLAR AMOUNTS ARE THE AMOUNTS REQUESTED BY THE APPLICANT AND ARE INDICATED IN THIS NOTICE FOR INFORMATIONAL PURPOSES ONLY. THE AMOUNT OF THE FEDERAL FUND COMMITMENT WILL BE MADE FINAL AFTER NEGOTIATION AND EXECUTION OF APPROPRIATE GRANT OR CONTRACT AWARDS.

RECIPIENTS	AMOUNTS	CONGRESS DISTRICT	DESCRIPTIVE TITLE
Golden Triangle Education Association, St. Petersburg, Fla.	$52,600	8	Parent Involvement, Community Relations
Florida Technilogical University, Orlando, Florida	$154,000	5	Technical Assistance
Athens Council on Human Relations, Athens, Ga.	$21,686	10	Community Relations
Savannah State College, Savannah, Ga.	$110,000	1	Training Technical Assistance
Selma University, Selma, Ala.	$18,650	4	Tutorial
Tuskegee Institute, Tuskegee, Ala.	$28,405	3	Technical Assistance
Bogalusa Voters League Bogalusa, La.	$11,068	6	Student Involvement
Dulac Community Center, Dulac, La.	$ 9,059	3	Community Relations
St. Lucy's Community, Houma, La.	$ 6,644	3	Community Relations
Public Affairs Research, Baton Rouge, La.	$71,930	6	Information Dissemination
Southern Mutual Help Association, Abbeville, La.	$69,000	6	Tutorial and Student Involvement
Mary Holmes College, West Point, Miss.	$35,000	4	Community Relations
Essex Community College, Baltimore, Md.	$47,004	4	Curriculum Revision
Charlotte-Mecklinburg PTA Council Board, Charlotte, N.C.	$65,000	9	Community Relations

RECIPIENTS	MOUNTS	CONGRESS DISTRICT	DESCRIPTIVE TITLE
National Congress of Parents and Teachers, Charlotte, N.C.	7,000	9	Training, Parent Involvement
Project NOW, Trenton, N.J.	45,000	4	Parent Involvement, Community Relations
Millersville State College, Millersville, Penn.	27,764	17	Curriculum Revision
Columbia Urban Service Center, Columbia, S.C.	7,000	2	Student Involvement
South Carolina Commission for Farm Workers, Charleston, S.C.	00,000	1	Student Involvement, Community Relations
West Texas Education Center, Midland, Texas	40,000	18	Community Relations
North Central YMCA, Amarillo, Texas	8,920	18	Educational Enrichment
Texans for the Educational Advancement of Mexican-Americans (TEAM), San Antonio, Texas	25,000	20	Parent Involvement Community Relations
Abraham Lincoln Junior-Senior High School PTA, Houston, Texas	40,000	8	Cultural Awareness
KERA-TV, Channel 13 Public TV Foundation, Dallas, Texas	30,000	23	Minority Involvement in Media
LEARN, Inc., Lubbock, Texas	40,000	19	Youth Involvement, Inter-Cultural Education
Gulf Regional Educational Television Affiliates, Houston, Texas	14,000	8	Parent, Youth Involvement in Media
Mexican-American Education Council, Houston, Texas	65,000	8	Information Dissemination
County Voters League, Nacagdoches, Texas	19,000	2	Parent, Student Involvement, Community Relations

RECIPIENTS	AMOUNTS	CONGRESS DISTRICT	DESCRIPTIVE TITLE
Louisiana Council on Human Relations, Baton Rouge, La.	$45,996	6	Information Dissemination
Oklahomans for Indian Opportunity, Norman, Okla.	$29,646	4	Cross-Cultural Awareness
Arkansas Council on Human Relations, Little Rock, Ark.	$75,000	2	Community Information, Human Relations Workshops
Forrest City Council on Human Relations, Forrest City, Ark.	$26,000	4	Tutorial and Human Relations Workshops

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2/18/71

RECIPIENTS	AMOUNTS	CONGRESS DISTRICT	DESCRIPTIVE TITLE
Afro-American Society and Human Relations Council, Rutherfordton, N.C.	$ 1,700	11	Black Culture
Asheville YWCA, Asheville, N.C.	$24,000	11	Student/Youth Dialogue Groups
Baptist Ministers and Associates Conference, Winston-Salem, N.C.	$15,916	5	Community Relations, Parent Involvement
Bi-Racial Community Recreational Center, Bethel, N.C.	$10,000	1	Bi-racial Community Recreation
Choanoke Area Development Association, Murfreesboro, N.C.	$90,000	1	Community Relations; Tutorial
Dramatics Project Bi-Racial Harmony, Wadesboro, N.C.	$ 5,000	8	Workshop Plays
Kittrell College, Warrenton, N.C.	$90,000	2	Community Relations, Student/Youth Programs
North Carolina AFL-CIO, Durham, N.C.	$82,000	4	Community Desegregation Centers
North Carolina Council of Churches, Washington, N.C.	$50,000	1	Migrant Education
North Carolina Good Neighbor Council, Hertford County N.C.	$90,000	1	Community Relations
Regional Development Associates, Lumberton, N.C.	$65,000	7	Indian Culture Studies
Wilmington Youth Council, Wilmington, N.C.	$ 7,680	7	Student Tutoring

Senator **Mondale**. I am not going to go further into aid to private segregated academies because of the time.

Senator **Pell**. You can as far as I am concerned.

Senator **Mondale**. I have about five different categories I want to touch on, with specific examples.

The ESAP report indicates 13 clear violations of the segregation academy rule that they have seen, and we have only been able to touch on one or two. Nor, for example, am I going to get into the question of tax exempt status for segregation academies.

The Southern Regional Council indicates that there are now 450,000 to 500,000 school children attending these academies, and the figure is up dramatically. To my knowledge other than the denials of tax-exempt status required by court order in Mississippi, the Internal Revenue Service has yet to withdraw for exempt status from a single academy.

So although we have an indirect but substantial form of public aid to segregated school institutions through this device, I won't question on that because it is not your department.

But it probably involves an awfully lot more money, Federal money, going to segregated education than the examples of direct transfers of property that we have seen.

But I will turn at this point to the question of segregated classrooms and of funding for schools in which it is alleged that practice exists.

The report indicates in their opinion, 91 clear cases of classroom segregation. Let me turn to Pike County, Ala., which received $50,000. The research project states that all white students in grades one through three attend one building, while all black students in those grades attend another building, and that grades four through nine are segregated by sex.

Would you respond to that?

Mr. **Pottinger**. Yes. May I, before doing so, at your indulgence make one further comment about the private segregated academies, Senator? I think it may be of importance to the bill.

The Washington research project identified 13 such cases according to their report. We have reviewed between 20 and 30 districts where that problem arose either through complaints or our own reviews, and in some we have documented the cases and have notified the districts of termination.

I might say something that would be of interest to you with regard to post-ESAP application transfers. A substantial number of districts have either written or telephoned our regional or Washington office to ask advice about the pressures put upon them to make such transfers, and were told the transfers would be illegal and would void the grant.

I think the point of this is that with regard to potential illegal future transfers, your own amendment has acted as a deterrent.

With regard to Pike County, that is a district which we have not yet reviewed. We reported to the committee what the status of our review is at the present time.

The Justice Department informs us that they are investigating the district's faculty assignments, which was one of the allegations made, and to my knowledge, subject to our further review, there is no present existing review on the classroom allegations you have made.

Senator **Mondale**. Are those children divided by race?

Mr. Pottinger. We have not been there to determine that at this time. What I am saying is that with regard to the multitude of complaints, our office is as vigorously as our resources allow, attempting to get onsite to make those reviews, and we will get there one day.

Senator Mondale. The report came out last November, and it alleged this school district separated children on the basis of color in the first three grades, and on the basis of sex for the next grades, and that you granted $50,000. Is it your testimony that you have not looked at it or had a chance to review it, or didn't I understand the answer?

Mr. Pottinger. No, that is correct. An onsite pregrant review was not conducted in that district, and could not be. I think the point is——

Senator Mondale. Could not be?

Mr. Pottinger. What I am attempting to establish, Senator, is that it is not a question of—the difficulties in conducting onsite reviews by the staff that we have available are not difficulties of intention or will or policy. They are difficulties with regard to our resources.

Senator Mondale. Are your resources that sharply limited?

Mr. Pottinger. We have 32 education branch compliance officers to cover the 11 States.

Senator Mondale. Would it take an awful lot of time to go through the front door and see that one class is all black and one is all white?

How long does that take?

Commissioner Marland. May I offer a partial response, Senator Mondale? We have two teams reflected here, one an educational team under Jerry Brader. Jerry Brader has had this team at the site and can report upon it.

Mr. Brader. Two program officers from the Atlanta office were in Pike County on November 15 and 16. We did a routine programmatic assessment of that project, which was funded for over $50,000.

We did not note any discriminatory practices while we were reviewing that project.

Normally, if we are in a district, as Commissioner Marland stated—many of these have been done with persons from both groups.

If discriminatory practices are noted, these are referred to the title VI district officer for followup, or the Justice Department for followup.

Senator Mondale. So as far as you know, that situation may exist, and may continue to exist?

Mr. Brader. We visited the classrooms, we interviewed students, we talked to members of the biracial committte, and we visited in the various buildings of that district.

We did not notice discriminatory acts.

Senator Pell. In other words, this is a question of fact. You are saying that it does not occur, and the civil rights group says it does occur.

Commissioner Marland. It is a matter of timing.

Mr. Brader. I am not saying it does not occur. When we were there on the 15th and 16th of November, we did not identify discriminatory action occurring.

Senator Mondale. Let's turn to mythical district A, which separates children on the basis of color, and applies for $100,000 in grants.

Was it the administrative policy of HEW to in no way determine whether that situation existed before the money was sent?

Mr. POTTINGER. No; it was not our policy to do that.

Senator MONDALE. Then how did it happen?

Mr. POTTINGER. Because in a number of cases we found that it was impossible to determine through an onsite physical-presence review what was happening.

In other words, with our own Federal eyeballs, what was happening.

What we attempted to do was to use the next most effective methods we had available, which consisted of a review of their title VI files, if it was a title VI district, a review of the records of complaints that we had received from the district, and in many instances an informal contact with civil rights organizations to determine if they had observed or knew of allegations of violations.

Now, if we did find that there was a substantial allegation of noncompliance or probable noncompliance, before we funded that district, we attempted to verify it.

Again, in some cases—for instance in a number of Texas and Louisiana cases—we did go on-site before we funded the district, depending on the availability of our people to get to the district.

In other cases we did not do that. We reviewed the district by correspondence and telephone noting at the time that in the event that the district denied the allegations on the record, but nevertheless proved to have the violation in a post-grant review, their grant woulld be terminated.

Senator, all I can say is that given the atmosphere of an emergency which existed—and believe all of us thought at the time that it existed—I think it existed much less than we though at the time, by the way—given the determination that there was an emergency, impending in August, we attempted to resolve those questions as promptly as possible. As we have said a number of times, and can say again, to the extent that we did achieve desegregation support through the prompt administration of funds, we did indeed go ahead with funding at a faster rate, and therefore lost a degree of control.

Senator MONDALE. Let's go back to mythical district A, which separates children according to race. They go through the front door together, but they never see each other again through the schoolday.

Surely it can't be helpful to the cause of desegregation to fund that district. A good argument could be made that they would have been better off if they were not—if they went to separate schools.

Mr. POTTINGER. I think you are absolutely right, and I think we have no disagreement on that issue.

Senator MONDALE. But in 91 clearly identified cases, funds were funded which were doing that, and how many of them had biracial committees set up, for example?

Mr. POTTINGER. To answer both questions, Senator, let me start by saying that the Washington research project report has been a valuable enforcement tool for us, and we are not attempting to depreciate either its value or its credibility. But I have to stress that the burden we have is somewhat different from their burden, and by that I mean we have to document what the violation is, rather than simply report it on the basis of complaints or allegations.

What that means is that in a number of cases we did follow up on the Washington project research report, and as we reported to you in our own report to this subcommittee, in some cases we verified what happened.

In some cases we did not. We had an allegation of separation of a classroom with a blackboard down the middle; the investigator found it was a speech therapy class, and that they did not segregate.

We also had a report that homeroom teachers were being segregated on the basis of race. We interviewed the homeroom teachers and found no violation.

Senator **Mondale**. You said you had a chance to investigate every teacher in the district, and yet you did not have a chance to visit one district at all?

Commissioner **Marland**. We did visit the district, if you are speaking about the Pike County situation. We used people from the Division of Equal Education Opportunities, Jerry Brader's organization. At the time we visited that site, we found no irregularity. This does not say, and I think we have to be sure that we are not claiming that when our people are not there there are not irregularities.

We are sending hard nosed, committed people into the field to find out if there are irregularities and enforcement of the law on both counts, civil rights and education.

But there is one thing we are not allowing for, I think, as we think of the very sparse coverage as we have resources to devote to this topic, which Mr. Pottinger has emphasized. There are established by law in every one of these districts biracial councils.

Senator **Mondale**. How many biracial councils have been created and were consulted at the time these funds were distributed?

Mr. **Pottinger**. I don't have the answer promptly at hand on how many had been formed. I think we could quickly tell you here how many have not been, and maybe we could extrapolate how many had been.

Senator **Mondale**. I would like an answer to that, because my information is that in most instances or many instances, there was no biracial committee created until after the application had gone forward.

Commissioner **Marland**. That was not required, Senator.

Senator **Mondale**. If you would yield there, I think if there had been any kind of community consultation, and if the black community had been consulted, or the white community at all, in the cases where they are segregated by classrooms, surely that sort of information would show up in the application.

It is not a very difficult thing to see if it is true.

Mr. **Brader**. Senator Mondale, to my knowledge and my memory, I can recall only about 50 court orders where the specific language of the order of the court would establish such a biracial committee.

Senator **Mondale**. But I am talking about the biracial committees required by your own regulations.

Mr. **Brader**. That is correct. The regulations say that there shall be established within 30 days of the application for such a grant a biracial committee that would advise the local administration in the continued operations of that project.

Senator Mondale. Is it your testimony, then, that many of the school districts in preparing and forwarding their applications did not have a biracial committee established?

Mr. Pottinger. Yes, Senator.

The regulations did provide that they had to be established after they were funded, not before. What we did in order to monitor that situation—and I might say because of our method we were more effective in these reviews than we could be with onsite reviews—was to provide a so-called form 105 to the school district to give us specific information on the makeup of the biracial committee; when it was established; if it had consulted with the board—in other words, if it had complied with the regulations.

Where we identified districts that did not do so, then we have been sending them notices of hearings for termination of funds.

Senator Mondale. There are 91 of these districts, but let's turn to South Pike, Miss., which received $21,000. According to the Washington research project, most classes in grades 7 through 12 were either all black or all white.

That is the allegation. Would you report on that?

Mr. Pottinger. Yes, and while we are looking at it, let me explain how we would do that review assuming that is one of the districts we have gotten to.

Unlike the report of an allegation of segregation itself, we must establish that there was under the regulations a segregation through testing or some other device.

Now, we consulted with a number of civil rights groups at the time those regulations were drawn to determine whether or not they meant that there could be no remedial classes that were unbalanced in race at all.

The answer we got was, "No, obviously, we don't want to do that."

If a group of black children did not learn reading or math, suffering at the hands of the dual system, then of course we are not trying to drive them from the school system by not permitting remedial action.

By the same token, we agree that remedial music or study hall or gym is a fraud, and nothing——

Senator Mondale. I am interested in that observation, but could we get back to South Pike, Miss.?

Mr. Pottinger. The point I am making is that it is necessary for us to go through this whole set of educational considerations.

Senator Mondale. I don't want to argue about those things. I just want to know what is going on in those districts. The truth is that this program is not an entitlement program. It is a selective program. There is no law at all that requires you to give any money. You can withhold it because you don't like the color of the paper they submitted the application on.

But you should have responsible investigations and there should be a careful selection. To do it otherwise, would be irresponsible.

So now, I wanted to know in the South Pike, Miss., case what the situation is there, and what, if anything, has happened to the ESAP charge that they are segregated by classrooms?

Mr. Pottinger. On that specific district, we will have to supplement the record. We don't have it with us this morning.

(The information referred to follows:)

STATUS OF SOUTH PIKE CONSOLIDATED SCHOOL DISTRICT, MISSISSIPPI, AS OF FEBRUARY 19, 1971

The Office for Civil Rights has not conducted a post-grant ESAP review of this district, which is under a Federal court order to desegregate. On February 19, 1971, the district was notified by the Office of Education of possible proceedings to terminate the district's ESAP grant for failure to return the necessary ESAP evaluation forms, 105–1 and 105–2. The district responded by returning the evaluation forms, which were received in Washington on March 1, 1971. The Department of Justice currently is investigating alleged violations by the district of its Federal court order.

Senator MONDALE. Have you looked at that school?

Mr. POTTINGER. Senator, we believe we have not yet reviewed it. It would appear on our report to you if that had been the case, and I will supplement the record with the timing of the review and what our findings are.

Senator MONDALE. The ESAP report charges, or alleges, that in 99 school districts they investigated there was black teacher hiring, firing, and demotion discrimination. One of the cases they cited was Miller County, Ga., which received $31,000.

According to the report a black principal with 22 year's experience, a master's degree in administration, postgraduate work in guidance and counseling, was demoted, where his chief function is to hand out lunch passes and patrol the halls, where a white with lesser credentials was made principal.

The black coach and black band leader were demoted.

Furthermore, the white teacher aids are assigned only to help the black teachers. This is the allegation. Would you respond to it?

Mr. POTTINGER. Yes; I will be happy to.

In that particular district, it is a court-ordered district where the allegations are under review by the Justice Department, both with regard to that allegation of teacher discrimination and another.

Now, under the emergency school assistance program, if that allegation can be documented, as you have stated it, it constitutes a violation of the program and a termination order should issue to that district.

Senator MONDALE. In other words, at this point the Justice Department, and not your Department——

Mr. POTTINGER. What we have attempted to do because of the great number of districts involved is not to duplicate our efforts, if we can avoid it.

For instance, in Pike County, Ala., which was your first example here today, the Justice Department has filed a motion with the court for alleged violations of the Civil Rights Act.

It may very well be that that motion has corrected the situation you allege, or, if it has not, it will when it is brought to fruition.

We would not attempt to take our people out of the field and send them into that area with the Justice Department action pending.

Senator MONDALE. When you accepted and funded the Miller County application, did you base that on anything except the papers submitted to you?

Mr. POTTINGER. No. In all cases we also checked HEW and Justice Department records. In some cases we did not rest with a record review, but also went onsite. In others, we did not.

Senator MONDALE. The American Federation of Teachers, the Southern Regional Council, and others, have reported widespread discrimination and demotion of black teachers. Have any funds been terminated up to this point under this program on that basis?

If so, which districts?

Mr. **Pottinger**. No. I don't believe under this program. Under title VI, however, the answer is "Yes," and on January 14 of this year we did issue a memorandum setting forth Department policy and 14th amendment law attempting to deal with that very issue.

One county which we are—well, for instance, the first district that we issued a letter requiring corrective action was Lenoir County, N.C. It so happens they did not receive an ESAP grant, perhaps because our pregrant review documented this very problem.

But they have been notified of the need for corrective action, and there will be other districts where action will follow pursuant to the January 14 memorandum.

Senator **Mondale**. Do your regulations provide that there should be no faculty segregation? The ESAP report alleges violations—63 instances in which there is such a practice underway.

They allege that in Decatur County, Ga., which received $80,000, the following facts—that the district maintains three schools with all black student bodies, and that these schools have faculties which are 70, 73, and 100 percent black, while the remaining nine majority white schools have all majority white faculties.

Would you indicate your response to that allegation?

Mr. **Pottinger**. Here, again, the allegation that we have from the Washington Research Project—excuse me if this is different—are you referring to the *Singleton* ratio violations? Is that the one you were referring to?

Senator **Mondale**. Yes.

Mr. **Pottinger**. In that case, it is a court order district which the Justice Department is currently investigating, and here again, pursuant to our attempt to move as quickly as we can to districts where there is no other investigation, we would act after the Justice Department has concluded its investigation.

I neglected to say a moment ago that in our pregrant reviews, where we did review the record as well as conduct onsite reviews, we had excellent cooperation from the Justice Department in looking at their files.

Senator **Mondale**. Could you submit to us the names of school districts that have been investigated by the Justice Department, but not by your department?

Mr. **Pottinger**. Yes, sir. I think we have that in the report that went to you.

Senator **Mondale**. Perhaps you could refer to that or supplement the record?

Mr **Pottinger**. They are stated, Senator, under the yellow tabs in each case where the Justice Department has acted.

Senator **Mondale**. That statement, of course, is privileged at your request.

Mr. **Pottinger**. We prefer that we not, for instance, run into the problem that we ran into 2 weeks ago with regard to districts we named. It tends to blow any chances—I say it tends, it does not always—but it does tend to interrupt the negotiation processes with the districts we are negotiating with.

Senator **Mondale**. Another area which we have not gone into is the area of token desegregation, plans which are called desegregation, but in fact leave districts pretty much where they were.

Madison County, Miss., for instance, received a grant of $40,000. The district contained 8,000 students, less than 30 percent of whom were black. Over 72 percent of the black students attend all black schools. Are you in a position to respond to that?

Mr. **Pottinger**. I am not at the present time, because it has not been reviewed. I don't know whether it is a court order or not a court order plan. Perhaps you do, in which case I could give you a quicker response.

But let me add that in those cases where there has been noncompliance with the court order, if it were a court order district, noncompliance establishes a violation which, and when documented, would lead to termination of their grant. That is really where we were in this program at this juncture.

Senator **Mondale**. Your regulations set aside 10 percent of the appropriation for funding of private, nonprofit community groups. Yesterday, Mrs. Martin testified that of her knowledge not a single grant has been awarded to a community group.

It is now too late for the community based programs to have much impact on desegregation during this first crucial year. Could you respond to that?

Commissioner **Marland**. I will be pleased to. I referred to that in my testimony earlier, and I will amplify. As of February 19th, 41 grants had been delivered and announced; 70 are in the pipeline being processed to avoid the very kind of thing that you have been implying with insufficient investigation.

Senator **Mondale**. These are biracial community groups?

Commissioner **Marland**. Community groups of various kinds. It includes biracial community groups, this includes groups of black citizens, groups of responsible people in the community——

Senator **Mondale**. What is the largest award for a grantee?

Commissioner **Marland**. Just to finish my comment, there are 20 more in the last stages of review.

Southern University in Louisiana is our largest one. It has a level of approximately $240,000.

Senator **Mondale**. I am talking about biracial community groups.

Commissioner **Marland**. I think we can get that information for you.

(The information referred to appears on p. 227.)

Senator **Mondale**. I would like it.

Commissioner **Marland**. I would introduce Mr. James Moore, a member of our Office of Education staff, who has been working for a very short time with the non-LEA phase of this program.

Mr. **Pottinger**. Senator, may I bring to your attention one other item?

Senator **Mondale**. Yes, sir.

Mr. **Pottinger**. We have just completed a data processing function in our office which permits us to identify all districts in the South which have not complied with the Singleton ratio. I have brought them here, and I would be happy to show them to you or have copies submitted for the record.

This has just been concluded, but we regard it as a very important enforcement tool which we are acting upon immediately in order to

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write letters to districts informing them of their noncompliance, attempting to secure compliance, or in the absence of that, terminating their grants.

Those letters will be going immediately.

Senator **Mondale.** Let me return just one second to the token school desegregation order situation.

What is the policy of the Office of Education in awarding grants to school districts which are under court order to desegregate, but in which the court order really is a token desegregation order, in no way in fact leading toward desegregation or toward integration?

Is it the policy of the Department to accept the judgment of the court, or do you have some standards and some definitions by which those districts must achieve something more than that in order to be eligible for assistance under this program?

Mr. **Pottinger.** With regard to eligibility—and then perhaps I will have to shift the program question to Mr. Brader—we followed the letter and the spirit of the statute and the regulations very carefully.

Pursuant to those regulations if a district has a valid court order and has signed its title VI assurance of compliance with that court order, and third, if that court order provides for the termination of the dual system by the opening of school, 1970, under law they are eligible to be considered for funding. That is the first part of the answer to your question.

Now even if you and I might disagree with the judge as to whether or not it is a good plan or whether it is really a terminal plan, from the viewpoint of the constraints imposed upon us by law, if the district has such a court order, it is eligible.

Senator **Mondale.** Let's take a court order which declares the end of the dual school system and leaves the kids where they are, and the school district goes ahead and signs a title VI compliance agreement.

It thus becomes eligible as you have just described.

Now, is it your policy, then, to fund such a district even though the order is a nullity, or you have other criteria that must be met in order to be eligible?

Mr. **Pottinger.** Not in order to be eligible. I don't mean to draw a legal distinction, but eligibility gets into the door, if you will, to present their program for funding.

Senator **Mondale.** Can you cite to me any school district which is under court order which applied for a grant which was denied because the court order was a token order?

Mr. **Brader.** Senator, we would like to be able to respond to you on that with a supplement to the record.

(The information referred to follows:)

COURT ORDER DISTRICTS WHICH APPLIED FOR ESAP FUNDS BUT WHICH WERE NOT FUNDED

REGION IV

Alabama	Huntsville City Tuscumbia City Henry County Jefferson County Mobile City and County Cullman City Oxford City Roanoke City Guntersville City Etowah County Linden City Opp City
Florida	Hernando County
Georgia	Muskogee County Upson County Marion County Evans County Social Circle Bulloch County Schley County Stewart County (grant void)
Kentucky	Hopkinsville City
Mississippi	Lamar County Vicksburg Municipal Separate Biloxi Municipal Separate Canton City Clarksdale City Tate County North Tippah Consolidated
North Carolina	Montgomery County Lenoir County Hickory City Carteret County Bladen County

REGION IV (Continued)

Tennessee	Dyersburg City Knoxville City Chattanooga City Sweetwater City
South Carolina	Spartenburg County #2 Orangeburg County #1 Williamsburg

REGION VI

Arkansas	Little Rock Pulaski County Strong Dollarway Junction City
Louisiana	East Carroll Parish
Texas	Austin ISD Calvert ISD Dallas ISD Fort Worth ISD Georgetown ISD Madisonville ISD

REGION III

Virginia	Charles City
West Virginia	Mercer County Raleigh County Caleb County

Mr. **Brader**. Yes, we have districts in that category and I can't call them to mind.

Senator **Mondale**. When you do that, will you define as fully as possible what your program definition is in this regard?

I would like that defined with as much specificity as possible.

Mr. **Brader**. Yes, sir.

(The information referred to follows:)

Criteria for Funding Districts
Under the Authority of the
Emergency School Assistance Program

The following criteria were applied in determining whether to provide assistance under the program to applicant districts:

1. The applicant's relative need for assistance.
    a. The year the desegregation plan was implemented.
    b. The percentage of minority students.
    c. The total number of students reassigned under the desegregation plan.
    d. The total number of students enrolled in the district.
2. The relative promise of the project or projects to be assisted in carrying out the purpose of the program.
3. The extent to which the proposed project deals comprehensively and effectively with problems faced by the local educational agency in achieving and maintaining a desegregated school system.
4. The amount available for assistance under the program in relation to the applications pending.

The purpose of the emergency assistance made available under the program is to meet special needs incident to the elimination of racial segregation and discrimination among students and faculty in elementary and secondary schools by contributing to the costs of new or expanded activities to be carried out by local educational agencies or other agencies, organizations, or institutions and designed to achieve successful desegregation and the elimination of all forms of discrimination in the schools on the basis of students or faculty being members of a minority group.

Projects assisted under the program were designed to contribute to achieving and maintaining desegregated school systems. Included among these activities were:

a. carrying out special community programs designed to assist school systems to implement desegregation plans such as (1) promoting understanding among students, school staffs, parents and community groups; (2) conducting community information programs to provide information concerning desegregation; (3) establishing and supporting committees consisting of minority and nonminority group members; (4) conducting school-home visitation programs; and (5) conducting special parent programs designed to facilitate the implementation of the desegregation plans;

b. carrying out special pupil personnel services designed to assist in maintaining quality education during the desegregation process such as (1) providing special guidance and counseling personnel with expertise in working with a desegregated student body; (2) providing remedial and other services to meet special needs of children affected by desegregation; and (3) employing special consultants;

c. carrying out special curriculum revision programs and special teacher preparation programs required to meet the needs of a desegregated student body such as (1) developing new and varied instructional techniques and materials designed to meet the special needs of children affected by desegregation; (2) designing and introducing new curricula that serve children from various ethnic backgrounds; (3) developing new material and techniques for improved evaluation and assessment of student progress; (4) carrying out special demonstration projects for the introduction of innovative instructional methodologies which will improve the quality of education in desegregated schools; (5) providing for individualized instruction, team teaching, nongraded programs, and the employment of master teachers; (6) establishing inservice programs to assist teachers in dealing with children who have inadequate English language skills; (7) promoting greater understanding of the attitudes and interpersonal relationships of students and teachers involved in the desegregation process; (8) upgrading basic skills and instructional methodologies; (9) mobilizing university and consultant expertise in developmental programs and seminars on problems incident to desegregation; (10) providing temporary teachers whose employment will permit permanent teachers to participate in training related to desegregation; and (11) providing teacher aides whose employment will help improve instruction in schools affected by desegregation.

d. carrying out special student-to-student programs designed to assist students in opening up channels of communication concerning problems incident to desegregation such as (1) promoting mutual acceptance; (2) promoting greater understanding of racial peer pressures of students; (3) assisting student groups to develop interracial understanding; (4) involving groups consisting of minority and nonminority group students in curriculum revision; and (5) assisting groups consisting of minority and nonminority group students to plan and conduct desegregated extracurricular activities;

e. carrying out special comprehensive planning and logistic support designed to assist in implementing a desegregation plan such as (1) employing additional administrative and clerical personnel necessary for implementation of a plan; (2) assisting in the rescheduling and reassignment of students and teachers and the redrawing of transportation routes; (3) supervising necessary physical changes; and (4) minor repairing and minor remodeling of existing facilities and leasing or purchasing of mobile or demountable classroom units.

School districts that could justify little relative need for assistance or did not require new or expanded activities to meet desegregation needs were low priority districts and therefore received little or no financial support.

Mr. **Moore**. The largest noncollege project is a five county activity in Tuscaloosa, Ala. It is under the heading of the Selma interreligious project in Tuscaloosa, and is primarily a student-centered tutoring activity, black cultural center and that sort of thing.

Senator **Mondale**. I assume that list of grantees will be included with this other information.

Mr. **Moore**. Yes, sir.

(The information referred to appears on p. 304.)

Senator **Mondale**. It is now 12:30. I think it is very important that this first experience with $75 million be used as a case lesson, and that we try to establish safeguards which prevent recurrence of some of these unfortunate incidents again.

It is my impression that the heart of the effort must be the development of a process in each community by which the full community is involved. If a school district is clearly pursuing a segregationist course, and I include the North in that as well as the South, it is not likely to submit candid information, particularly when it is trying to get money in the name of desegregation, about what it is doing to segregate or to continue to segregate.

So that, it seems to me, it is essential that there be honest biracial committees truly reflective of the community, deeply involved in the application and the development of the application, and that their observations, if they are in disagreement with the school district, be appended to the application when it goes forward, so that the HEW Administrator can be made aware of situations which may be vicious in the community but which do not appear in any sense on the face of the application.

I think that is clearly essential, and I would hope that there could be agreement on that.

The other important goal, of course, is to try to develop a definition of what it is we are trying to encourage. We went into that in the early hearings, and I don't propose to renew that discussion now, but I would hope if we can develop a consensus toward a single bill, which might be possible—I hope it is possible—that we would try to define what it is we are trying to encourage.

I think one of the reasons for the failure of many Federal programs is that we have not done so. We have had vague, ill-defined objectives, money is poured out on the basis of those objectives. Then we ask the school administrator what he has done, but we have not told him what we expected, and we have not directed funds in a way that told him what it is we want him to do.

I would hope that when we are through with this $1.5 billion experiment, that we will have tried every decent strategy, every hopeful strategy that we can, and that we will have encouraged to the fullest extent possible healthy, quality, integrated schools, as the President once asked us to do.

That is my benediction.

Senator **Pell**. Thank you.

I have one question which just occurred to me. Would it be possible to write into the act a provision to the effect that a nonfrivolous complaint should be investigated within, say, a 30-day period, and put the burden of proof on the local school authority to show that the claim was either, unfounded frivolous in nature, or had been remedied, and in fact, true?

Could that language be worked up in your view?

Mr. **Pottinger.** There is no doubt, Senator, that it could be, and if we could effectuate it, I would welcome it.

I must say, if you consider doing that, or if anyone considers doing it, please first consider the single largest misunderstanding about the compliance nature of this program. And that is that we do not have the bodies, the people, the personnel, dedicated as they are, in the Office for Civil Rights, to get to a thousand districts within 30 days.

It is virtually impossible. If we had the personnel to do so, then I think we could not only do that, but we could also have both a pregrant and a postgrant on site review program that could maintain the integrity of that act.

But we cannot possibly do it with our existing resources.

Senator **Pell.** This is my own thought. I see the problem, and we can work out some action in that direction.

I have one other question that occured to me. The gentleman on your left, Mr. Brader, is not responsible as I understand it, for reporting civil rights violations.

Couldn't the personnel brought into a school district, if they observed violations, couldn't they have reported it?

Do you consider only an education matter?

Mr. **Brader.** On a number of cases where we have noted discriminatory matter and action by people on our staff, this has been noted, and reported, and either OCR or the Justice Department were immediately notified. The District was also notified.

Senator **Pell.** You don't have a legal obligation to do this, do you? You are concerned with educational fairness only?

Mr. **Brader.** I do believe we have a legal obligation, sir.

Senator **Pell.** I am glad to hear it.

Mr. **Pottinger.** They have referred to our office a number of complaints from their on site review.

Senator **Pell.** In other words, your office has an obligation to report civil rights violations which they perceive?

Mr. **Brader.** Absolutely.

Senator **Mondale.** If the chairman would yield there, I think that is why community involvement is so terribly important. If we take a case where in fact children are segregated by classes, it is not really a complicated issue. You know that. And if the community is involved, in the application process, surely somewhere the fact would be revealed to the administrator.

I think the problem in so many cases is that the agency that gets the money itself has followed a segregationist course, and is not likely to disclose that in its application.

We should think of healthy, broadly based and biracial community processes. I think that is our best defense not only in terms of violations, but more importantly, getting a healthy community developed in the process, which is going to lead to the long-term health of integrated education.

Commissioner **Marland.** Mr. Chairman, and Senator Mondale, I would agree, and I think that is typical of the kind of enrichment that our joint staffs can include in the final wording support of the topics just ordered.

Senator **Pell.** I have a couple more questions.

How many people in the field does Mr. Brader have?

Mr. Brader. We have 67, Mr. Chairman.

Senator Pell. Professionals?

Mr. Brader. Yes; professionals, in the field at this time. We are in the process of bringing other staff members on in other regional offices, sir.

Commissioner Marland. May I amplify that, Mr. Chairman?

You recall that we have 10 regional districts in HEW and the Office of Education. We are now building the staff in anticipation of that program in the northern cities. We have built it pretty well in the South, but we have many more people yet to build on these staffs, hoping for the funds to do so, and for the time do do so.

Senator Pell. I recognize the point you are making.

Mr. Pottinger. Mr. Chairman, I was reminded to remind you, if previous testimony was not clear, that the 32 compliance officers we have are the ones serving Southern States only. With regard to our compliance officers nationwide, I will have to give you the total.

It is more than that. We have more compliance officers in the North than in the South.

(The information referred to follows:)

OFFICE FOR CIVIL RIGHTS

EDUCATION BRANCH COMPLIANCE OFFICIALS

There are a total of 99 professional compliance officials in the Education Branch of the Office for Civil Rights, D/HEW. Twenty-one (21) of these professionals are located in Washington headquarters and 78 are located in the various regional offices, as follows:

Region		Number OCR Education Professionals
1	(Connecticut, Maine, Massachusetts, New Hampshire Rhode Island, Vermont)	3
II	(New Jersey, New York, Puerto Rico, Virgin Islands)	10
III	(Delaware, D.C., Maryland, Pennsylvania, Virginia, West Virginia)	6
IV	(Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee)	15
V	(Illinois, Indiana, Minnesota, Michigan, Ohio, Wisconsin)	14
VI	(Arkansas, Louisiana, New Mexico, Oklahoma, Texas)	13
VII	(Iowa, Kansas, Missouri, Nebraska)	-
VIII	(Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming)	2
IX	(Arizona, California, Hawaii, Nevada)	15
X	(Alaska, Idaho, Oregon, Washington)	-

Senator **Pell**. Under the administration's bill what could be accomplished when you have a situation like we have in the District of Columbia, which I think has 94 percent black schools, or in the Manhattan school districts, in New York, where we have areas of many square miles all black?

Commissioner **Marland**. What this program can do? I attempted to answer that, admittedly with some difficulty, to Senator Dominick's same question on the same subject. As Mr. Pottinger pointed out, we have had examples even where there has been a larger number of minority children than white in our recent exercises in the South.

This has been brought off. It is a difficult, uphill pull. I would say in the cities such as you have named, such as Chicago, yes, this can be done by creative local action, by the redistribution of young people, rationally, reasonably, among the parts of that city.

I say that is very difficult, but we should all face this.

Senator **Pell**. What about the District of Columbia?

Commissioner **Marland**. I doubt there is any quick solution to integrating the schools of the District of Columbia. I think you have to bring about other ways of integrating young people, and activities that integration across the boundaries of the city other than formal schooling, through cultural activities, and that this can be done creatively even in a dense situation such as you have here in the District.

But I think that to integrate the schools formally and systematically without the benefit of the white children beyond the District is hopeless.

Senator **Mondale**. Would you yield there?

You omitted to mention—probably inadvertently—the possibility that it might be possible for the suburbs surrounding the District of Columbia to cooperate, as the suburbs around Hartford have cooperated, in receiving children from the ghetto to attend their schools in quality, integrated environments. This is one of the key strategies we endorsed in the Education Subcommittee's bill.

Commissioner **Marland**. I called attention to the Rochester example, rather than Hartford, but they are equally promising and they would be embraced in the scope of this bill.

Senator **Pell**. Thank you very much.

The hearing is recessed.

(Whereupon, at 12:37 p.m., the subcommittee adjourned, subject to call of the Chair.)

EMERGENCY SCHOOL AID, 1971

FRIDAY, MARCH 12, 1971

U.S. Senate,
Subcommittee on Education of the
Committee on Labor and Public Welfare,
Washington, D.C.

The subcommittee met at 10:05 a.m., pursuant to call, in room 4232, New Senate Office Building, Senator Claiborne Pell (chairman of the subcommittee) presiding.

Present: Senators Pell, Mondale, and Javits.

Staff members present: Stephen J. Wexler, counsel; Richard D. Smith, associate counsel; and Roy H. Millenson, minority professional staff member.

Senator Pell. The Subcommittee on Education will come to order. Today we are continuing hearings on the Emergency School Aid proposal. The first witnesses today are Mrs. Helen Bain, president of the National Education Association (NEA), and Mr. Stanley J. McFarland, of the NEA, Office of Government Relations and Citizenship, with whom we have had very many good and constructive associations.

Senator Mondale?

Senator Mondale. I would like to make a personal observation on the record this morning. Yesterday, one of the oldest friends this committee had, Whitney Young, died. We should recall that he frequently testified before this very committee, and indeed before many of the subcommittees of the Congress where decent people were trying to deal with human problems. I know the chairman feels, as I do, that a great voice for understanding and for human justice is lost to us.

Both personally and in terms of my concern for my country, I could not help but make that statement this morning on behalf of what he stood for and what he has meant to all of us in this country.

Senator Pell. I thank the Senator from Minnesota very much. I think he has well expressed the thoughts of all of the members of the subcommittee and in fact of the Senate and the country as a whole.

STATEMENT OF MRS. HELEN P. BAIN, PRESIDENT, NATIONAL EDUCATION ASSOCIATION; ACCOMPANIED BY STANLEY J. McFARLAND, ASSISTANT SECRETARY, OFFICE OF GOVERNMENT RELATIONS AND CITIZENSHIP, NATIONAL EDUCATION ASSOCIATION

Mrs. Bain. Thank you, Mr. Chairman.

I am Helen Bain, president of the National Education Association. On behalf of the 1.1 million members of the NEA, I wish to express my appreciation to the subcommittee for the opportunity to present the association's views on the legislation under consideration here today.

Attached for the record are those resolutions of the NEA which are particularly pertinent to the subject of quality integrated education for all children.

Clearly the NEA is committed to this concept, as it has been throughout the 114 years of the association's existence.

We have reviewed the two major proposals before the subcommittee, S. 195, the Emergency School Assistance Act of 1971, and S. 683, the Quality Integrated Education Act. We commend the sponsors of both bills for their commitment to solving the problems faced by the public schools in meeting the needs of all children.

These bills both recognize that, because of circumstances beyond the control of the children and of the school districts, the needs of all children are not the same. The schools must be given assistance, financial and otherwise, to meet this challenge. We are pleased that the President's budget provides for the funds authorized in both bills of $500 million for fiscal year 1971 and $1 billion for fiscal year 1972. Both bills provide for carry over of unexpended funds into the succeeding year, an excellent provision which will do much to prevent waste of resources which could result if funds were to revert at the end of the fiscal year for which they are appropriated. Both bills also provide that no State will receive less than $100,000.

The basic differences in the two bills are in the scope of services they are designed to provide. S. 195 provides that 80 percent of the appropriated funds be dispersed to school districts on a formula basis, depending on the ratio of minority children in a State to all such children in the United States. S. 195 also provides for extension of services to children in nonpublic schools. The NEA opposes this provision in keeping with resolution C–20, Federal Support of Public Education. S. 195 seems to be based on the premise that the Federal funds are provided to applicant school districts as a catalyst, with the school district expected to reapportion its own funds to achieve desegregation throughout the school district.

The NEA cannot be satisfied with mere desegregation as a national goal. We are committed to achieving a racially integrated society. We are convinced that this must be the objective of legislation such as that under consideration here today. We believe that the legislation should clearly state that the goal is integration and that the word desegregation should not be used.

Although the NEA generally and traditionally resists Federal control, we believe that, since the integration of schools is required by Federal action, Federal control is justified in legislation designed exclusively to achieve this Federal objective. Experience since 1954 unfortunately indicates that without Federal control, many schools in all parts of the country do not comply with the intent of the law. These recalcitrant school systems have had 17 years to adjust their boundaries, their curriculums, and their staffing patterns to meet the mandates of the law. We believe the time has come for specific congressional action to achieve integrated education.

We urge that the legislation provide that any recipient school district be required to commit itself to diligently pursue a program of providing every child an opportunity for quality integrated education. Unless such commitment is made, the school district should not receive Federal funds from any program presently established in the law or to be contemplated in the future. The school district's statement of commitment must be accompanied by a specific plan for integration of all schools under the district's control within a limited period of years.

We recognize that there are racially and ethnically isolated schools—such as those in Washington, D.C., or in rural areas such as Rocky Boy, Mont., for example—where integration is impossible since the school population is almost exclusively composed of children of a minority race. We believe there should be provision for promising pilot projects in such racially isolated schools, with preference given to encouraging urban-suburban cooperation where possible. While integrated schools are the most desirable objective, realistically one must recognize situations such as those cited above. Such schools need not be bad schools. They do need special assistance and special freedom to adjust their programs to meet their pupils' unique needs.

We believe that the legislation should contain a provision prohibiting funding of any district which has, since August 18, 1970, the day the emergency school assistance funds became available last fall:

aided private segregated schools;

disproportionately demoted or dismissed minority group teachers;

segregated children within classes; or

limited participation in extra curricular activities or limited such activities in order to prevent minority group participation.

We believe that such a provision is justified and necessary providing that the Commissioner of Education may waive the ineligibility when conditions warrant. We can conceive of a situation in which a school board proceeded with discriminatory practices last fall, while a new school board may be elected in the spring which does not share the old board's attitudes. In such a situation a waiver procedure could be utilized.

We believe language such as that beginning on page 8, line 12, and extending to page 12, line 25, of S. 683 should be included in any bill developed by the subcommittee.

We note with approval that S. 683 places the administration of the law with the U.S. Commissioner of Education. We believe this is proper. A major objective of the NEA is the establishment of a Cabinet-level Department of Education. We believe that the Secretary of HEW, with the wide diversity of programs under his jurisdiction, cannot give proper attention to education. We have a longstanding policy urging that all education functions of the Federal Government be under the U.S. Commissioner of Education. Since one-third of the American people are directly engaged in education, we believe this constituency deserves Cabinet-level status for their concerns. We cannot support legislation which lessens the prestige of the Commissioner, since we are actively engaged in enhancing that prestige by elevating his office to Cabinet status.

While we have traditionally opposed substantial set-asides of appropriated funds for the Commissioner, we believe that this legislation, to be effective, should provide a 20-percent set-aside with specific designation of what the set-aside funds may be used for. This list should be limited to integrated children's television, production of textbooks and other instructional materials that are truly biracial and multiethnic, construction of educational parks, and urban-suburban cooperation in standard metropolitan statistical areas. The decision as to how many and which programs in these categories should be funded should be determined by the national advisory committee as provided for in section 16 of S. 683. I would like to say that in my estimation, this particular advisory committee should have representatives of the organized teaching profession and students, as well as members of minority groups.

We also note that 3 percent of the funds authorized under S. 683 are earmarked to reimburse attorneys fees and costs in successful lawsuits pertaining to this and other related acts such as title VI of the Civil Rights Act, the 14th amendment, and title I of ESEA. This is a novel provision, and one that we vigorously support. The fact remains that school districts and States use public funds to defend themselves from lawsuits stemming from their alleged discriminatory practices, while a potential plaintiff must raise his own funds for legal services, even though his action may result in achieving the Federal objective of integration. This is patently unfair. S. 683 would provide public money for the plaintiff too. The provision that the payment of fees and costs is provided only for successful suits precludes vast numbers of frivolous actions.

We believe that 5 percent of the funds allocated to each State should be set aside for funding private nonprofit groups for programs and projects to promote equality of educational opportunity through the participation of parents, students, and teachers in planning, implementation, improving communication, etc. It must be clearly understood that this is not a 5-percent set-aside for nonpublic schools, that rather it is designed to provide funds to groups—for example, a parent-teachers association or a local education association—to carry on a program of involvement in the integration process that will improve the attitudes and understanding of the people in the school community. If this is clearly stated and understood as the intent, we support this particular provision.

The provision earmarking 1 percent of the appropriation for evaluation appears in both bills. We believe that proper evaluation cannot be carried on unless there are advisory committees, composed mostly of parents, teachers, and students, at the local level, who not only advise on the development of programs but also measure and evaluate the effectiveness of the school operation. We believe such committees should be required by law, and have similar composition to that of the National Advisory Committee provided for in section 16 of S. 683, and should reflect our original suggestion on fairness to teachers.

We insist that there be local committees composed of teachers, parents, and secondary school students, with at least half from the minority group concerned. These committees should, in cooperation with the school authorities, develop the school district plan and evaluate its achievements. The local committees should report regularly to the National Committee on progress achieved under the act. No local plan should be funded from a State's allocation unless it carries the written approval of at least two-thirds of the local committee. Teachers serving on the local committee should be selected by the teachers' organization which represents the teachers in that area, not appointed by the school administration.

We also believe that while districtwide integration cannot be achieved overnight, this must be the stated goal of the local authorities. We do not believe that the specific percentages of minority enrollment should be higher than 10 percent. We do believe that the Commissioner should be required to give preference in funding applications from a State's allocation to those school districts which meet the following criteria in the following order of preference:

(a) Is an eligible school district which maintains districtwide quality integrated schools. (A quality integrated school is defined as one which contains a substantial proportion of children from educationally advantaged backgrounds, and is substantially representative of the minority and nonminority of student body in the district as a whole, and is a stable school.)

(*b*) Proceeded with integration without being required to do so by a court order.

(*c*) Is seeking assistance to eliminate or substantially reduce minority group isolated schools within that district.

(*d*) Is seeking assistance to prevent minority group isolation from occurring within the district.

(*e*) Is seeking assistance to enroll and educate in schools which are not minority group isolated, children who would not otherwise be eligible for enrollment because of nonresidence in the school district, where such enrollment would make a significant contribution toward reducing minority group isolation in neighboring districts.

(*f*) Are under Federal or State court order.

(*g*) Have been approved by HEW as adequate under title VI of the Civil Rights Act of 1964.

Obviously, we do not believe that the legislative proposal before the committee is an end in itself. It must be superseded by massive general Federal aid to public education, including funds for construction, if its major thrust is to prevail. It is totally unrealistic to expect school districts, with their increasingly limited local and State resources, to redesign themselves to provide all of their pupils with the quality of education provided in the favored schools under this legislation. If real integration is to take place in the reasonable future, schools must be provided with extensive Federal funds for school construction. Local property tax sources are not adequate to provide the needed new school sites, with the resulting abandonment of old facilities which are properly located.

We believe that the time is now to add a general provision to this legislation which provides for withholding all Federal funds from school districts which refuse to comply with the law of the land. Such provision would be most effective if applied to Federal impact aid funds, vocational education, and all of ESEA. We are aware of the argument that such cutoff penalizes children, but we believe that no schooling for a few months is preferable to the kind of degrading and dehumanizing situation which many thousands of children suffer daily in segregated schools.

The extension of the Voting Rights Act and the anticipated addition of the 18-year-old voters to the electorate should lead to the election of responsible and truly representative school boards in presently recalcitrant communities. The administration claims that desegregation has taken place in 90 percent of the school districts. If so, it is time that the hard-core 10 percent be forced into compliance.

We appreciate the opportunity to share our views with the subcommittee, and we would like to answer any questions that you might have.

(The information referred to follows:)

Resolutions Adopted at San Francisco, 1970

I. CONTINUING RESOLUTIONS

C–1. Educational Opportunity for All

The National Education Association believes that education should be provided from early childhood through adulthood, be suited to the needs of the individual, be nonsegregated, be offered beyond the traditional school day and school year, be offered at public expense, and be required through the secondary school. The individual also must be free to choose, to supplement, or to substitute education in privately supported nonpublic schools. (69)*

C–2. Public Education

The National Education Association believes that solutions to the problems facing public education must preserve and strengthen the priceless heritage of free public educational opportunities for every American.

Free public schools are the cornerstone of our social, economic, and political structure and are of utmost significance in development of our moral, ethical, spiritual, and cultural values. Consequently, the survival of democracy requires that every state maintain a system of free public education and safeguard the education of all.

The public school system is not expendable. Any movement that would diminish this vital asset will be opposed by the Association. (69)

C–3. Schools in Crisis

The National Education Association believes that many schools are in crisis, evidenced by decay, neglect, and continuing deterioration. These schools must be provided with higher than average per pupil financial allocations to increase staff, buildings, and instructional material. Massive financial support is required to provide quality education. Organizational patterns must be developed which effectively involve parents, teachers, and students.

The Association urges its affiliates to initiate programs which strengthen and enhance the education provided by these schools. It believes its affiliates are uniquely able to design programs to inform and assist teachers in such schools. Continuous communication and involvement with community groups are keys to the success of such programs.

The Association directs its officers and staff to design action programs and seek necessary legislation and financial support to improve schools in crisis. (69)

C–4. Desegregation in the Public Schools

The National Education Association believes it is imperative that desegregation of the nation's schools be effected. Policies and guidelines for school desegregation in all parts of the nation must be strengthened and must comply with *Brown v. Board of Education*; *Alexander v. Holmes County Board of Education, Mississippi*; other judicial decisions; and with civil rights legislation.

The Association recognizes that acceptable desgregation plans will include a variety of devices such as geographic realignment, pairing of schools, grade pairing, and satellite schools. These arrangements may require that some students be bussed in order to implement desegregation plans which comply with established guidelines adhering to the letter and spirit of the law. The Association urges that all laws of this nation apply equally to all persons without regard to race or geographic location.

The Association will continue to oppose vigorously desegregation plans and practice that result in the systematic displacement or demotion of black principals and teachers. It urges federal agencies charged with approving and enforcing plans to do the same.

The Association believes that educators must have a voice in the decision-making process that involves transfer of educators to achieve racial balance. (69,70)

C–12. Cultural Diversity in Instructional Materials

The National Education Association believes that basic educational materials should portray our cultural diversity and the contributions of minority groups.

The Association recognizes that additional instructional materials chosen for classrooms and libraries may rightfully contain a number of biases to allow students to become familiar with the attitude and recommendations from various segments of the literary world. (69)

C–20. Federal Support of Public Education

The National Eduation Association seeks federal support of public education in line with the following principles:

a. That federal programs comply with current civil rights statutes and judicial decisions.

b. That there be substantial general federal support of the whole of public education.

c. That present federal programs of specific aids be continued, expanded, and improved by consolidation and simplification of administration, and modified so that all federal monies for elementary and secondary education, educational goods and services, either direct or indirect, shall be expended solely for the support of public schools. The federal government must be responsible for the added costs of educating youth whose presence in the local district is due to federally connected jobs or programs.

d. That further expansion of federal support to education be general in nature, and that these funds be allocated without federal control for expenditure and suballocation by state education agencies.

e. That the amount of aid be generally predictable for long-range planning and specifically predictable for year-to-year planning.

f. That legislation be consistent with the constitutional provision respecting an establishment of religion and with the tradition of separation of church and state, with no diversion of federal funds, goods, or services to nonpublic elementary and secondary schools.

g. That the legislation contain provision for judicial review as to its constitutionality.

h. That all federally supported educational programs, including those now assigned to other federal agencies (except those programs designed to train armed forces personnel), be administered by the U.S. Office of Education.

i. That where federal funds are presently provided to K-12 nonpublic schools, these funds be discontinued; however, until such funds are discontinued, these funds shall be controlled by public education agencies and be limited to tuition-free schools that meet all standards required of public schools. (This is not intended to apply to federal school lunch and milk programs.) (69,70)

C-25. United States Department of Education

The National Education Association urges the establishment of a cabinet-level U.S. Department of Education. (69)

C-39. Civil Rights

The National Education Association believes in and is committed to achieving a racially integrated society and calls upon Americans to eliminate by statute and practice barriers of race, national origin, religion, sex, and economic status that prevent some citizens from exercising rights that are enjoyed by others, including liberties defined in common law, the Constitution, and statutes of the United States. All individuals must have access to public education, to the voting booth, and to other services that are provided at public expense that will make them effective citizens. All individuals must be trained and aided in developing strategies and expertise that will enable them to operate effectively in determining their future. (69, 70)

II. CURRENT RESOLUTIONS

70-5. Evaluation of School Programs

The National Education Association believes the expertise of professional educators is essential when school programs are evaluated.

The Association recommends that local and state education agencies resist school evaluations by nonprofessional personnel, such as those being conducted under contract between the Department of Health, Education, and Welfare and private profit-making firms.

70-7. A Nation Under Law

The National Education Association believes that civil order and obedience to the law must be ensured in every community and school, without abridging human and civil rights. These rights must be protected by judicial procedures that ensure speedy and equal justice under law to all citizens with free legal counsel for the poor and destitute.

70-12. Student Involvement

The National Education Association believes that genuine student involvement requires responsible student action which is possible if students are guaranteed certain basic rights, among which are the following: the right to free inquiry and expression; the right to due process; the right to freedom of association; the right to freedom of peaceful assembly and petition; the right to participate in the governance of the school, college, and university; the right to freedom from discrimination; and the right to equal educational opportunity.

70-26. Human Relations in the School

The National Education Association believes that improved human relations is essential to the school environment. To improve human relations in schools, the Association calls for:

a. School recruitment policies that will ensure culturally diverse staffs

b. The development of ways to improve police-community and student-police relations through the joint efforts of school, community, and law enforcement agencies

c. The reduction of the ratio of students to certificated staff to the level teachers determine, in each case, is essential to improved learning

d. Further research and development of ways to identify, change, and, if necessary, exclude prejudiced personnel who exhibit prejudiced behavior detrimental to the school environment

e. The training of police in behavioral sciences, sociology, and human relations to encourage an enlightened approach to law enforcement

f. An awareness of the continued neglect of Mexican-American citizens and youth. The Association shall assist its affiliates to provide programs relevant and helpful to alleviate this neglect in the public schools.

70-29. Education and National Priorities

The National Education Association believes there is a direct relationship between the quality of education which prevails and the quality of life in our society. Therefore, the Association calls for the President and the Congress to place education high in an immediate reordering of the nation's priorities.

70-31. Representation on Boards of Education

The National Education Association encourages its affiliates to bring about changes in practice and in law to guarantee that elective or appointive boards of education be representative of and answerable to the community they serve.

70-35. Integration of School Staff

The National Education Association will assist its local affiliates to develop and negotiate programs for the desegregation of school staff. The Association urges state and federal agencies to provide the funds necessary to implement programs designed to achieve racial balance in the schools.

Items of New Business Adopted

Item No. 4

The National Education Association insists that in school districts or states where the National Teacher Examination and other similar devices are used as a means for certification, evaluation, retention, salary, tenure, or ranking of educators, such practice should cease immediately.

In any case where a school district or a state refuses to terminate, following due notice, the use of the test, the Association shall take immediate steps to invoke sanctions and initiate procedures for censure and any other action deemed necessary. The National Education Association shall request the Educational Testing Service, Inc. of Princeton, New Jersey, to cooperate fully with the intent of this item of New Business. Educational Testing Service shall be advised that failure to cooperate may result in further action by the National Education Association.

The National Education Association calls upon all of its affiliates to take all necessary action to ensure the full implementation of this item of New Business.

Senator **Pell**. Thank you. Would you give me your definition of integration and desegregation.

Mrs. **Bain**. Desegregation can mean simply the moving of one or two children from a minority group into an all white situation.

An integrated school is one that more nearly reflects the percentage of the majority and minority grouping withing that particular community.

Senator **Pell**. Thank you. I agree completely with the objective of the NEA supporting the establishment of a Cabinet level Department of Education. This goes completely counter to the administration's proposal to put into nine Goliaths of Government, or whatever they want to call it, all the present departments of the Government.

I don't feel that way.

Mrs. **Bain**. We have not always gone along with the administration. [Laughter.]

Senator **Pell**. I know. But I think if we pull one way and they pull the other, we probably will be left on dead center.

Mrs. **Bain**. We're interested in what happens to the children of this country. If every other country in the world has a minister of education, how can we stand by and not allow the children of this Nation to not have the priority?

I hope the administration will see giving education to children as a first place priority.

Senator **Pell**. We say that we give high priority to education as a Nation. However we give lower priority than many other nations in the world.

Senator Mondale?

Senator **Mondale**. Thank you very much. First of all, I was most impressed with this testimony. I found it not only a strong statement but a moving statement, and those who say that the professional organizations in education are resisting change ought to read this testimony. I think it is a very strong, clear, and powerful statement for a national commitment and for remedies to achieve that national commitment, and I commend you and I commend the NEA, for I think they are doing a lot for our country and our schools with this statement.

You come down strongly for a commitment to quality integrated education, for urban-suburban cooperation, for a host of necessary safeguards, for integrated children's television programs and educational parks, for attorney's fees for private enforcement of constitutional and legal rights, for the funding of private, nonprofit groups, and for pilot programs in racial isolation.

I thought particularly your recommendations regarding the local committees and advisory groups were the strongest that we have heard. They are much stronger that either bill. I wonder if our testimony does not indicate that you have put your finger on a central point.

We have had the so-called ESAP report, which was prepared by a group of nonprofit organizations, that showed rather widespread inattention to the legislative standards we declared in the first $75 million of this program, and then we heard from Commissioner Marland and his assistants, and we put several questions to them about these allegations.

I think it is fair to say that they were not in a position to really respond. This is not being critical of them, but it became perfectly obvious that something was clearly missing in this program. I said at that time, and I am increasingly of the opinion, that to make this program work there has got to be what I think you once called a process commenced. That process is community involvement, invlovement of the teachers, and involvement of the leadership of all races, of the ethnic minorities, as well as the majority group, in a meaningful process of consultation, discussion and debate, and development not only of a program but, because of that process, of something far more important—putting a community together, a school system together which works for the education of all the children. I think that is what you mean by these new suggestions and the requirement, for example, of a two-thirds vote by the biracial committee.

We know what a two-thirds vote is like around here in the Senate. [Laughter.]

Senator **Mondale.** I think those suggestions bear a lot of thought, and I think your testimony is particularly significant because, as I recall, your teaching experience is in a border State school system, is it not?

Mrs. **Bain.** Right. Tennessee. Our school system is under court order, so I know exactly what the situation is. I know you have advisory committees coming out of your ears on every possible aspect of education, but our concern is that an advisory committee be meaningfully involved. The advisory committee should not just be looking at a proposal after it is completed. It should be involved in the writing of a proposal, and should have real input.

We would like to insist on the involvement of teachers on the advisory committees. The teachers associations should choose the teachers who participate. We find quite often that a superintendent will appoint teachers who will go along with his point of view. We want to appoint teachers who will represent the views of all the teachers in the system. We would like for these people to be involved, and the students as well, and the parents, in determining what process they are going to follow in drawing up the plan and then participating in it. We don't want the superintendent to bring in the plan after it is completed and say, "Put your rubber stamp on this." This is not the kind of involvement we need.

I can give you an example. We found one situation in a southern school where one of our black members was on an advisory committee.

The proposal was completed and brought into them for rubberstamping. When he proceeded to point out some of the problems, the minority people in the community thought that because he was objecting, he was keeping them from getting funds. Actually he was trying to point out the deficiencies of the proposal. Had he been involved from the beginning in the writing of that proposal, I think it would have been a better and a more effective proposal.

Senator **Mondale.** I would like to have the staff try to develop a proposed amendment along the lines you have suggested.

The chairman asked you to define what desegregation is and what integration is and what distinction there is between the two. I thought you gave a very succinct definition. I would like to try one other element in the integration definition.

Would you not agree that integration implies more than simply a fair mix of bodies, but also should include the concept of sensitive, respectful, culturally sensitive instruction and curricula, a heavy emphasis on the human element of interrelationships between children of different races and minorities, and a heavy emphasis on teacher sensitivity, which I don't think is an insignificant problem at all?

A teacher who does not think a black child can learn just is not going to be able to teach a black child. I think the human element is the touchstone—the warmth, the respect and receptivity, that can't be defined and yet is as tangible to a professional teacher as a piece of furniture.

Would you agree with that?

Mrs. BAIN. I would say that one of our great concerns is the type of inservice training that is given to the teachers now teaching in schools such as my own city of Jackson, Miss., where integration has taken place under a court order. I would hope that in these communities we might put aside reading, writing, and arithmetic for a little while, and spend some time for children and teachers getting to know each other and teachers getting to know and have an understanding of the cultural background of each group, and working with each other. As you know, we even speak different vocabularies, and words have different meanings. How can we expect to work together cooperatively if we don't have a real understanding?

Now, I know you can't write goals like that into a bill. But this is the kind of human relationship work that we need to have done in order to establish the right attitude within a community. When we talk about integration, I think we should also talk about the integration of children who have come from higher income families, or upper middle income, or the many white children who are from very low economic conditions. They need a different outlook and point of view, and we need an understanding across this line as well.

Senator MONDALE. I think that is so terribly important; and as we have held hearings on so-called desegregation plans, and have looked increasingly at this, that distinction becomes fundamental.

I would like to refer to just one example to the chairman, which he picked up last week in our hearings in San Francisco. We held hearings on the San Francisco school system, and then we had testimony from several superintendents that had desegregation systems.

One school system, which here shall remain nameless for the moment, after they desegregated the schools, found that the black and brown children were even getting poorer grades than they were before. When they were tested on reading and basic skills by an outside source they were actually doing as well, but they were getting lower grades than they did before in their segregated system.

So I asked the superintendent, I said, "Does that say something about the child or about the teacher?"

He said, "I am very strongly convinced it is the teacher attitudes. These teachers have been trained, or conditioned, to believe that a black child can't learn, and that results in those kinds of things."

Because the outside tests showed that the children were doing at least as well as they were before, but the teacher did not think so. This is why you have to get into this new element. You can imagine this child doing as well, or getting lower grades.

How does he get any respect for himself? It does not take much, it seems to me, to destroy the confidence of a child.

Mrs. Bain. An experiment was run, taking two groups of children of equal ability. One teacher was told that her group was above average, and the other told her group was average. Children do what we expect them to do. When they were expected to perform, they did.

I would like to ask you a question, Senator. Do you have teachers involved in the hearings you are holding in these different areas?

Senator Mondale. Oh, yes. We have heard from teachers, parents, students, principals, administrators. We actually went into many classrooms and watched teachers teach, and asked them to tell us how they thought they were doing and the responses they were even getting. We did a great deal of that.

Mrs. Bain. I would like to talk about one other difference between the two bills and the possibility of doing something on this line. It seems to me that, in school systems that are under court order, it is important that whatever is done to achieve integration be done across the entire school system. I can also see an advantage, in the Northern States where we have not yet gotten court orders, in the establishment of a model school that could serve as the lighthouse, so to speak, for the entire district.

But I do plead that whatever is done in those Southern districts, that are already completely integrated; touch every school in the district and touch all of the children who are involved.

Senator Mondale. You made that suggestion to us before, and I think this is a very sound one and we have prepared an amendment that we will submit to you and you might respond to it.

Mrs. Bain. Very good.

Senator Mondale. I think that makes a lot of sense. I would like to ask one more question.

In the administration bill, they have several standards. One is districtwide desegregation and another one is reducing racial isolation. Another standard is preventing racial isolation.

I had great difficulty with these two standards, reducing racial isolation on the one hand and preventing racial isolation on the one hand, because it seems to me that those standards are so very vague that almost any district could receive funding.

What does it mean to prevent racial isolation? It seems to me you could almost define this any way you want to, and reducing racial isolation could mean one kid.

Mrs. Bain. I think our experience in southern schools has proven to us that you have to have some guidelines and some specifics. If you do not, only tokenism will result. I do not believe that a school system should receive Federal funds unless it is totally committed to actually working to achieve full integration of the school system.

Senator Mondale. I appreciate that answer. I agree with it.

Senator Pell. I have one basic question. As I understand it, you prefer the Mondale bill to the administrative bill.

Mrs. Bain. I would say, sir, that there are good elements in both, and I believe that the purpose of this subcommittee is to work out a compromise. Right?

Senator Pell. I realize that, but I am asking this question. Of the two, you prefer the Mondale approach to the administration approach, if I read your statement correctly.

Mrs. Bain. If I must choose between the two; yes, sir.

Senator PELL. If you had to choose between no bill and the administration bill, which would you choose?

Mrs. BAIN. I think that I would prefer that you put the money into other programs which are designed to help disadvantaged children.

Senator PELL. This is not the question I asked. It is not what happened last time. We lost the possibility of more funds by not passing the bill. My question was, If we are faced with the question of the Mondale bill or the administration bill, which would be preferable?

Mrs. BAIN. I would prefer to fight to change the administration's bill to put safeguards in it.

Senator PELL. That is what we tried last time. If we are faced with an absolute choice, which is really what we were faced with in the last session of Congress so it can happen again, which would you choose?

Mrs. BAIN. Sir, I will answer for myself. I would just as soon lose the bill as passed by the House in the 91st Congress.

Senator PELL. Thank you very much indeed. I did not mean to embarrass you.

Mrs. BAIN. The only possibility of embarrassment would be that I spoke of my personal conviction. I did not speak for the Association, and have not consulted its governing bodies. But as a southerner who has seen money misused and wasted, I would rather see it lost.

Mr. MCFARLAND. I would like to say we were not in favor of the way the first amount of money was spent. We understand the funds were given to schools that should not have received them, according to law, and there are very serious questions as to what benefit is derived in terms of the purposes of the bill.

Senator PELL. Right. Thank you very much.

Our next witness is Clarence Mitchell, director of the NAACP, a man I have long known and whom I have long admired for his work and that of his organization. We extend to you a very warm greeting.

Senator MONDALE. May I join in that introduction? We are very proud of the fact that Clarence Mitchell is a Minnesotan. He lives in Maryland but we claim him as a Minnesotan.

Roy Wilkins was born and grew up in St. Paul, and Whitney Young, whom we mourn today, did his graduate work at the University of Minnesota.

STATEMENT OF CLARENCE MITCHELL, DIRECTOR, NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE

Mr. MITCHELL. I certainly want to thank you for your generous welcome, Mr. Chairman, and Senator Mondale. I also want to say a word of appreciation to you for remembering Whitney Young.

He not only got his training, part of it, in the University of Minnesota, but was also an industrial secretary of the St. Paul, Minn. Urban League.

I think it is a wonderful thing in this country when an important body of government such as this take cognizance of the passing of a man who has stood for many good things and has made great contributions to his country.

I also want to thank the NEA for the very forthright and excellent testimony that was presented. I think those who say we are so polarized in this Nation will note that the president of the NEA comes from the State of Tennessee. I don't think we are polarized. I think that sometimes we hang too much funeral crepe in our country and in our relationships with each other.

In that same connection, I would like to mention that I think we have gotten way off the track with disciplinary problems in public schools.

I would just like to mention two short illustrations of what I am talking about.

When President Johnson had some of us over to discuss the preparation for the passage of the fair housing legislation, he said, "You know, I am getting ready to whip the teacher."

In other words, he thought it was going to be a tough proposition, and we ought to all get on the ball to try to get it through.

I asked what he meant by the term "whipping the teacher." He said:

> Well, when I was a student in grade school, we had a real tough teacher, and a group of us got together one day and intended to whip the teacher. So we got down there by the creek and expected to grab the teacher as he came over the bridge, and he said when the teacher came over, I led the crowd, ran up and grabbed him, but when I turned around, all of my associates were running off over the hill and he said, of course, the teacher wore me out with his belt.

If that happened in today's school, of course, we would say, "Gee, whizz, things are getting awful if they attack the teacher."

But as long as I have known anything about public schools, somebody always had the idea of whipping the teacher.

Of course, we have long had the problems of kids carrying weapons to school. When I was in the fifth grade I had a dispute with a boy about a reader and the teacher finally settled it by giving me the reader because it belonged to me.

The next day this boy came to school with a pistol—it was the first time I had ever seen a loaded pistol—and somebody asked him what he was going to do with it, and he said he was going to blow off a certain part of my anatomy because of a dispute about the book.

Again if that happened today we would say things are getting awful, children carry guns to school, and that sort of thing. I think we have to look at these problems in context and know when you have a lot of children together coming from diverse homes you are going to have all kinds of problems, no matter what the racial composition may be.

I want to thank you, Mr. Chairman, and Senator Mondale, for the opportunity to appear here. I am appearing here on behalf of Washington Bureau NAACP.

I have said in my testimony that we are supporting legislation which is designed to achieve the school desegregation and the maintenance of high quality education in the public schools.

I took the word "desegregation" from S. 195, but I would like to say that I certainly subscribe to Mrs. Bain's suggestion that we ought to pursue integrated rather than desegregated schools and I agree with the way that she defined those terms.

I might say that right after 1954, people who were skilled in etymology said they would formulate a word less objectionable than integration.

In the NAACP we always spoke of integrated education. Some who said we needed to get a better public image on this suggested that we use the word "desegregate" rather than "integrate" because they said to integrate meant more mingling and close contact and things of that sort.

If we can achieve what we are after by calling it integration; I am all for it, because I think the time has come to stop fooling around and get down to the job of getting the kids educated in schools that are really representative of what this country stands for.

At the outset of my testimony, I would like to express appreciation for the great work done by Senator Walter Mondale chairman, and Senator Jacob Javits, ranking Republican member of the Senate Select Committee on Equal Educational Opportunities. We sincerely hope that after the painstaking labors and the assembling of valuable information by this committee there will be much reliance upon it and its members in the shaping of the legislation now under consideration.

Our organization is also aware of the long personal commitment that the present Secretary of Health, Education, and Welfare the Honorable Elliot L. Richardson has shown in his support and advocacy of equal treatment of all citizens without regard to race.

The country is indeed fortunate that at this point in time there are so many men of good will in high places who have accepted the responsibility of formulating and passing a much needed law.

Last year we presented testimony to the Senate. The following portions of that testimony are still pertinent.

In order to accomplish the objective of complete desegregation of the public schools in our country we recommend the following:

1. The funds made available must be used to assist in those school districts which are desegregated (*a*) voluntarily; (*b*) because of Federal or State court orders; (*c*) because of legislative directives of a State, county, municipal, or other lawmaking body.

2. School districts which are desegregating in compliance with programs approved by the Department of HEW must be assisted.

3. Schools which are in so-called tipping categories where funds are needed to increase attendance of minority group students or to prevent such schools from becoming wholly resegregated must receive aid.

4. Schools racially isolated because of residential patterns must also become eligible for aid. However, in such schools, assistance should be given only when there is definite assurance that the school authorities are making a continuing effort to end the racial isolation of such schools and to achieve total desegregation.

5. Congress must face up to the need for repealing the contemptible additions to the law which have created confusion in the desegregation programs of this country.

The so-called antibusing provision contained in title VI of the 1964 Civil Rights Act, the Fountain amendments and the Whitten amendments have all created mountains of mischief that bar the way to reaching the promised land of school desegregation in the United States.

There was a sixth provision which was inadvertently omitted, but we did have it in last year, and it is part of our desire. We support payment of lawyer's fees as provided in the Mondale bill.

I think it is important to note that our organization handled many cases of this kind. I would suppose that if you handle a case at the administrative level, just going before a board or some other body other than a court, it would cost anywhere from $500 to $1,000—to do a decent job.

In terms of time, it can cost enormous sums of money to exhaust the process of going all the way from the U.S. district courts up to the Supreme Court. The cost could run into the thousands of dollars, all of which, of course, has to be paid for by private people.

Items 1, 2, and 4 are clear and do not require any explanation in this statement. Items 3 and 5 do require additional comments.

With respect to item 3, we have had extensive discussions with Members of the House and education experts have had extensive discussions on how to accomplish orderly desegregation of schools which are affected by so-called de facto segregation.

The suggestion has been made by Representative Roman Pucinski and Representative Albert Quie that the Secretary of HEW could give assistance to public schools where more than 15 percent of the student population is made up of a minority group or groups but not more than 50 percent.

In discussions on this suggestion, some educational experts have indicated that the 50-percent ceiling is too low. Others have suggested that the percentages should be omitted altogether and the decision to aid schools in this category should be left to the discretion of HEW.

The education department of the NAACP has suggested that it is better to rely upon the discretion of the executive branch of government in this kind of situation, but if percentages should be written into the law the floor should be 15 percent and the ceiling should be 70 percent.

With respect to item No. 5 I wish to point out that Congress has been a bulwark of protection for civil rights since the passage of the 1964 Civil Rights Act.

From 1932 to 1957 the minority groups of this country had to look to the executive branch and the Supreme Court for help in protecting their constitutional rights.

With the enactment of the 1957 Civil Rights Act and continuing through the Kennedy and Johnson administrations all three branches of Government were instrumental in protecting the constitutional rights of minorities.

We are now in a period when Congress has become the major battleground in which the hard-won gains in the fight for civil rights are to be protected. On the whole the Congress has an excellent record in attempts to hold the line against those who would even destroy programs of protecting the right to vote and dilute the effectiveness of Federal courts with appointment of judges who are hostile to civil rights and who are advocates of racial segregation.

However, it should be noted that the segregation advocates of this country and allies in Congress who come from Northern States have used the appropriations bills to water down the effect of the 1954 school desegregation decision and the clear objectives of the 1964 Civil Rights Act.

The plain fact of life is that the appropriations committees are dominated by members who are not sympathetic to minority groups.

In the secrecy of the committee room these Members of the Senate and House concoct the kind of language that may seem reasonable on its face, but which in fact is designed to nullify the 1954 school desegregation decision. For example by using some deceptive semantic alchemy they have made the ordinary word "busing" take on the connotation of a precious luxury which must not be paid for with tax funds.

But when we remove the verbiage and get at the facts we discover that what is really meant is a restriction on the use of Federal funds for school desegregation.

When these amendments come to the floor of the House and Senate, they place the rights of minority groups in competition with the millions or billions that are being appropriated to perform the necessary functions of the Government of the United States.

In this kind of contest, it has been my experience that very few Members of Congress want to take the side of the minority groups.

Usually the solution is found in substituting language which is said to be innocuous and may in fact be meaningless. But these revisions, whether meaningful or superfluous have the effect of placing the Government of the United States in the shameful position of appearing to sanction second-class citizenship for the black children of the Nation.

We have discussed the merits of this legislation with many of our colleagues in the civil rights field. Because of our great respect for some of these persons who are recognized experts, I would like to call the committee's attention to the following items:

1. The suggestion has been made that any legislation approved should carry adequate provisions to insure that qualified private groups may be called upon to provide assistance in accomplishing integration of the public schools. As I understand it, this is being done to some extent under the program appropriations of $75 million for emergency school assistance which was approved by Congress in 1970. It is the opinion of experts in the field that the Mondale bill, S. 683, has the best kind of provision to insure the implementation of this type of program. Therefore, we hope that any bill that is approved will contain the appropriate language from S. 683.

2. It must be clear that there can be no discrimination in the selection of teaching, administrative and other staff personnel, whether professional or nonprofessional, in the schools that receive assistance. There is some feeling that while this provision is clearly set forth in the Mondale bill, it is not as clear in the administration's bill. And I would like to call the committee's attention to the part of the administration's bill which apparently has raised some question.

That is on page 18, section 10, subsection 10, the part which reads, "staff members of the application who work directly with children and professional staff of such applicant who are employed on an administrative level will be hired, assigned, promoted, paid, demoted, dismissed, or otherwise treated without regard to their membership in a minority group."

As I understand it, there are some who feel that language might have the effect of preventing a school board from adding black faculty members or administrative personnel in an effort to achieve integration. Those who have discussed it feel that the Mondale bill's provisions, which I think are on pages 8 and 9 and those following, are clearer, and from a legal standpoint less susceptible to being misinterpreted here.

I would hope that if that is the case we would take the better language.

3. It is especially important to insure that promising innovations can be financed under this legislation. The Mondale-Javits committee has explored the possibility of developing model integrated educational parks. This particular idea may well be an ideal solution to some of the problems that are created by longstanding patterns of neighborhood segregation in our cities. It deserves a chance and Congress can provide that chance by clearly authorizing the expenditure of funds for this purpose. Unless such authorization is written into the legislation it is unlikely that the executive branch of Government will undertake this kind of experimentation. Again we emphasize that the devoted work done by the Mondale-Javits committee must not be allowed merely to gather dust in some file drawer. Congress has the opportunity to give life to the valuable findings of this committee and it should do so especially in this area of educational parks.

I would like to digress to point out that I would hope the members of this subcommittee, who are very conscientious, the chairman and others, will just take a look at some of these cities where we have a heavy Negro population and where in those cities the school boards are made up of white people who are described as liberals and black people who obviously ought to be for the best kind of educational opportunities.

But even when you have that ideal kind of a situation, in cities like Philadelphia and Newark, Baltimore, and even here in Washington, the residential patterns are such that it is almost impossible to achieve any kind of integration unless you do it by placing the schools in a kind of a border area and make them so attractive that you can pull children in from both parts.

In Baltimore, for example, they are now engaging in an extensive education program of building new schools, but those schools are going to be located in many instances right in the heart of what we call the ghetto area, so that even though you have a school board which I think has four black members and five white, at least two of the whites are very forward looking, even in that ideal situation you can wind up with more segregation when you build more schools unless we do something like the Mondale bill proposes.

Senator **Mondale**. Would you yield there?

The proposal for the creation of educational parks has been an idea that has been championed by many of the top educational schools in the country.

Unfortunately they are so expensive from a capital standpoint that though many school districts have tried it, when they get up to the capital side of it they have to give it up because they don't have the money.

So it was proposed that one or two of these parks, be funded in one or two cities to see what happens. I have some problems with them, because they are big schools, and maybe the schools are too big already.

But I think we ought to try one or two of them because when you deal with the problem of integration at some of our major cities in addition to multidistrict problems, that is where the suburbs have them and we all agree we have some major political problems there, the educational park proposals is one of the few remaining alternatives that makes sense.

So I think if we are dealing with integration and desegregation in a 2-year program we ought to try all the most hopeful strategies.

At least we learn something. So I very much appreciate your position on this educational park proposal.

Mr. MITCHELL. I certainly realize if we are going to get anywhere we have to do a lot of experimenting, and one of our failures in the country is that we are willing to experiment in the laboratory with all kinds of fearsome things, but we are not too willing to experiment with social experimentation.

That is why I think it should be the law. I don't believe a person who is in the administrative capacity in the executive branch would take the risk of the public clamor that would arise by authorizing an experiment with an educational park unless the law clearly spells out that he must do it, and also clearly indicates that some of the money for it is to be available for that purpose.

That is why I think it is so important to have it spelled out in the law.

4. There is a need for providing parents, interested organizations, and indeed the public in general with access to the plans for use of funds provided by this legislation.

There should also be opportunities to determine the effectiveness of these plans after they are implemented. We urge that such guaranties of access be written into the bill reported by your subcommittee. Of course, such access should be accompanied by appropriate safeguards to protect matters relating to individual children.

I can't emphasize too strongly the trouble that we as an organization had in the early days in just getting facts that were available, and supposed to be for the public, but some person in charge of that data would say, "Well, I am not supposed to give it to you."

They would probably send you down to the county sheriff to get it, and when you got down there you might find yourself arrested for illegal parking or something. At the same time, I think it is awfully important to safeguard the privacy of the individual children so that no enterprising writer or speculator can get into those files and somehow reveal that Mary Jones is a slow learner or some other kind of thing. For those reasons, I think we have to strike a balance as we write this provision.

Although there is always a temptation to use a magnifying glass to look for errors in almost any proposal before Congress we believe that the emphasis should be placed on the constructive side of this legislation.

We do emphasize that we will oppose it if it is used as a vehicle for segregation amendments, as happened in 1970 in the House. The time has come to call a halt to the tactics of those who are still trying to make back door assaults on the 1954 school desegregation decision.

We sincerely urge and hope that the highest motives will prevail and that Congress will pass a bill that is free from the taint of racism.

I want to thank you for this opportunity, and Senator Mondale, for appearing.

Senator PELL. Thank you very much, indeed.

In the beginning of your statement you mentioned the confusion of words, that initially you had used the word "integration" and then you went to "desegregation."

Would you characterize in one sentence what your idea is of the differences of meaning, or whether there is any difference in the meaning.

Mr. MITCHELL. If we stick to the dictionary, it is hard for me to see where there is any difference. But, if we consider the custom and social usage, I think that integration would imply, as Mrs. Bain pointed out, a restructuring of the whole system so that we get rid of tokenism, and therefore I would accept her definition, but I just want to mention this little pleasantry.

When I lived in St. Paul, there was a police chief named Hackert, who was a very nice man. This was the days before this was popular to have integration, even in Minnesota. Sometimes colored and white people were together in public places.

The chief often felt that this was the reason for staging a raid. [Laughter.]

Mr. MITCHELL. So I asked him one day what was the reason for raiding places where he knew there was interracial gathering, and he said, well, you know, Mr. Mitchell, I am not against equality of man. I believe that people ought to have dealings with each other.

But he said, I am against all this mingling. [Laughter.]

Mr. MITCHELL. So I think words tend to mean what the user intends them to mean and I would certainly accept the very able and thoughtful definition given by Mrs. Bain.

Senator PELL. This brings up another question. That is the confusion now about the terms Negro, colored, and black. Isn't the word "colored" not as popular as the words "black" and "Negro?"

Mr. MITCHELL. I think that is another example of making a whole lot out of nothing. It reminds me of the story of George Bernard Shaw when they were setting up Ireland as an independent country.

Somebody said Gaelic ought to be the language instead of English. A fight broke out, and Shaw said to the crowd, "If you fellows don't stop this confusion, I am going to finish my speech in Gaelic and nobody here will understand it."

I think this is what we have got here. I don't personally attach any importance to those terms. I think that I use them interchangeably myself.

I was amused out in Wichita, Kans., last Saturday. I was at a play some students presented in high school, and they had a lot of talk about black and white and that kind of thing, but the whitest colored child who was as white as any white person on that platform, was the one that was selected to give the speech about how important it was to be black.

Well, you know, it just gets to be one of those things, and I don't then attach any importance to it.

Senator PELL. As we go into the bills before us, the Mondale bill and the administration bill, which of those would you prefer, which would your organization prefer?

Mr. MITCHELL. I think it would not be possible for me to answer the question, only because of the context out of which the opposition arises.

We took our position with respect to the administration's bill in our national convention before the Mondale bill was proposed, so that as the representative of the organization, I must say that, of course, we are addressing your testimony primarily to the administration bill.

I certainly think that if the choice is no bill at all, then we certainly ought to speak in terms of making the administration bill as close as possible to the Mondale bill, but I would say unequivocally that we would not want either of them if somebody uses them to put some petty little advocacy of segregation in there and tries to say, "consider the larger possibilities of this bill, and swallow this little bit of segregation."

You never swallow a little bit of muriatic acid if you want to keep your insides.

Senator Pell. We don't have the alternatives that the witnesses have, and we may be faced with an alternative. I hope we can work out a compromise, but we may not, and we may have to vote the Mondale bill or the administration bill, up or down.

If you were sitting where I am sitting which would you do?

Mr. Mitchell. The first thing I would do is count the votes. I think we go on a lot of assumptions of what is going to happen, but I have talked with the Secretary of HEW about this and he has been most pleasant. I don't believe that the position of the administration is so inflexible that we can't have a happy marriage of these two bills, and I know that Senator Mondale's position is not so inflexible that we could not achieve that goal.

Therefore, I think the important thing to do is count what votes we have for a joint proposition, and if that count shows that we don't have it, then I think we as Chairman Celler used to say, "You don't really roll up your pants until you come to the edge of the river."

I think you don't make a decision until you have made the count.

Senator Pell. I appreciate the funny stories, but we may have to make a choice. It is perfectly proper to decline to make a choice between the two. But I asked you if you had to choose one or the other, which would you choose?

Mr. Mitchell. You have the advantage over me in that you are the chairman of the committee, and presumably you know just what strength you have got, but I have been around here long enough to know that you have to count these votes first. I don't think you are being realistic, Senator Pell, if you right now take the position that you have to have an endorsement of one of these bills or the other, because I know what the situation is, too, and I know that it is not that clear at this point.

Senator Pell. I realize it is not that clear, but I am trying to get out of each witness a fair choice.

Mr. Mitchell. I don't think that is a fair question because you have the advantage of forming an opinion on the basis of your knowledge. I am not trying to boast but I think I have a few days of assessing with respect to votes in these legislative bodies, and I don't think you have to make that decision at this point.

Senator Pell. I may have to make it. I am asking the witness.

Mr. Mitchell. The witness, as can be expected if you get from each witness here a commitment as to which of these bills would be preferable in extremes, it seems to me that what you are going to do is assemble a kind of a poll which would show they are for one or the other, and I would say that anybody who comes up and answers that question either in an affirmative or the negative is not having a realistic approach because you could not have at this time enough evidence on what is going to happen when you get down to the marking up of the bill and the considerations of everybody's position.

Senator PELL. Right, I want to assure you that I am not picking on you.

Mr. MITCHELL. I don't mind being picked on, but I know you would not. [Laughter.]

Senator PELL. Can I then assume that you do not wish to reply to that question?

Mr. MITCHELL. I am saying that I do not wish to make an unrealistic answer to a question which, from the standpoint of the chairman, is perfectly fair, but from the vantage point that I have of now knowing how the Senate and House work, I think is unrealistic.

Senator PELL. I think it would be much more proper, if this is your choice, to say, "I would prefer not to reply."

Mr. MITCHELL. I am not going to say that, because I don't think it is necessary for me to take the position. It is like somebody on the witness stand who is asked a long, involved question and then commanded to "Answer this yes or no."

If I would answer the question in the way I think you would have me answer it, and that is express a preference for one bill or the other, it would not be worth 2 cents, because I know as soon as I answer that question if a situation developed where the only thing we can get is the administration bill, I would have one set of signals.

If the only thing I could get would be the Mondale bill I would have another set of signals. If we could make a combination of them, there would be a third set of signals.

Senator PELL. This is obviously not a point that we are going to issue a subpoena on. [Laughter.]

I would express the disappointment of the Chair, because other witnesses have said as a rule, "If I had to take one or the other, I would take A or B." It would help the Chair. May I ask you another question?

Mr. MITCHELL. Before you ask that, I would say that I am in a position a little bit different than some of the organizations and groups that would appear before you, because I do have some assessment of what individual Members of the Senate and House will do in the face of a combination of circumstances that they did not foresee 2 weeks before they made their decision, and I just feel that it would not be helpful to this record for me to pretend that we do have a choice between these two bills.

I think realistically that is not the case, and I certainly hope the Chair does not follow the assumption that that may ultimately be the choice.

Senator PELL. But don't you think one bill is better than the other?

Mr. MITCHELL. I feel each is reaching for objectives that all of us want, and as I have said in my testimony, it seems to me some features of the Mondale bill belong in the administration, and perhaps vice versa, but as all of us know, in the final analysis we will get what we have got the votes to get.

Senator **Pell**. All right. Let me ask you another question. If it is no bill or the administration bill, which would you prefer?

Mr. **Mitchell**. I must respectfully express resentment about the inference that I am trying to avoid answering by telling stories.

I don't come to these committees to waste time telling stories. I try to be informal with the hope that the committee would understand—I know you are subjected to a lot of testimony, and I just want to do it on a relaxed basis.

Senator **Pell**. It is not the time. I am just trying to get the answer.

Mr. **Mitchell**. I wish you would restate that, because I don't see much difference between this and the first way you asked it, but I will be glad to try.

Senator **Pell**. May I rephrase my question then?

We were faced in the last session with no bill or the administration bill. As a result of our actions, we had no bill. If we were faced with that decision again would you prefer no bill, or the administration bill?

Mr. **Mitchell**. Well as I said, the only thing that we have said which would cause us to oppose either of these bills is if there is a prosegregation or several prosegregation amendments, and I would respectfully differ with you on what the situation was in the previous Congress.

In the House, the Members of the House attempted to work out a solution which would result in a meeting of the minds. They succeeded in getting a bill passed, and what poisoned the well of course, was the addition of the segregation amendments in the Senate.

Time ran out, and we joined with those who opposed the bill because of the segregation factor.

Senator **Pell**. If we are faced this time in the Senate with the administration's bill or no bill, recognizing the differences between the administration bill and the House bill which were before us last time, would you then be willing to say what you would do, accept it, or not?

Mr. **Mitchell**. I would say when you have got a bill that has 32 pages in it, no one can say whether he would be for it or against it until he reads it, and if the committee produces a bill, call it the administration bill or the Mondale bill, or whatever you want to call it, that has in it things tha we think are important, of course we would support it with great enthusiasm no matter what you call it, but if it contains the segregation provisions, no matter what else is in it, we would oppose it.

Senator **Pell**. What you came here today for, was as a witness on both bills. You have read both bills?

Mr. **Mitchell**. Yes, I have read them both. I have them right here.

Senator **Pell**. Right; now if it were a case of the administration bill or no bill, which would you prefer?

Mrs. Bain said forthrightly speaking as an individual, that she would prefer no bill. Do you have a view on this?

Mr. **Mitchell**. I have already stated about four times that I can't see how anybody, knowing the subtleties of legislation can say in advance that he is for something by that kind of definition you have given. You said the administration bill. Do you mean this administration bill that somebody questions about whether it is going to permit segregation in the selections of staffs and so forth?

I think the point is that we want a bill, and we commend the President for offering it, we commend Senator Mondale and his colleagues for what they have done, and when the situation arises that we are faced with a choice of a bill, I think then you can say then here whether you will be for it or against it.

Senator **Pell**. Thank you. Senator Mondale.

Senator **Mondale**. I appreciate your testimony, and I was glad to see you add extemporaneously the point about legal fees. While the concept is new and different, I think that there is clear evidence of a very unfair allocation of resources in the enforcement of the law between those who are resisting the reach of the constitution and those who are seeking to assert those constitutional rights. I would think we would at least want a fair allocation of resources.

It takes on special irony when one recognizes that the funds being spent to resist the constitution are public funds, and that those who want to assert the constitution have to go around and raise the money privately.

These suits are frightfully expensive. You know that, because you and Thurgood Marshall and others have had to go out and raise money to try these pioneer cases.

You know it is difficult to raise those funds. But read the sorry record of the distribution of the first $75 million, contrary to all congressional intent, to school districts which were firing black teachers and demoting them, which were segregating children in classrooms. which were taking Federal money and substituting it for local funds, contrary to the statute, and resorting to token desegregation—this was funded with Federal money.

In many of those cases one would have to conclude that the Federal funds probably served as an endorsement of what were really segregationist practices and strengthened the hands of the segregationists.

One can't read this material without saying that there was local resentment that a local remedy was not available.

The answer is that people don't have the resources to hire the talent to fight back through due process. We are trying to encourage the people to get out of the streets and into due process remedies.

The provision in S. 683 is not going to stir up litigation, because it only pays reasonable attorney's fees and costs after a law suit asserting constitutional rights has been successfully completed.

Mr. **Mitchell**. Yes.

Senator **Mondale**. Now school segregation is not only a southern problem. Time and time again we have pressed this administration, and you have pressed not only this one, but previous administrations—it is not a partisan issue, it has been a long standing problem—to have a national program of enforcement.

When we go out on the Senate floor, our Southern brothers say, "You are very good picking on us, but what are you doing in your own communities?"

And they have a very good point. There is racism everywhere, and there ought to be national enforcement, and a program of enforcement that protects all minorities.

But we know that is not going on. We know that.

As a matter of fact, in the application of the first $75 million the administration took the position that a school district which was voluntarily desegregated, like Berkeley, or Riverside, doing it on their own, voluntarily, could not get any money. They first had to be forced to desegregate, and then they could get money.

Now how crazy can you get?

Mr. MITCHELL. What I would like to make clear to everybody who may be hearing what I have to say is that because I come before these committees with what I hope is a relaxed attitude and an effort to try to be friendly, it is not because I am not hurting inside about these issues.

But I happen to know that those before whom I appear are not responsible, so I am not going to lump all the white people now into category of the group that is doing us in.

But if I wanted to make a case for fierce hatred against white people I could make that case, and I could start with just that little matter that you mentioned of these uses of public funds for the purpose of robbing our children of opportunities, and I have four children, five grandchildren, and I fight every time I think about it.

I get mad every time I think about it, and it is only because I am overlayed with a layer of what I hope is civilization that I don't feel like going down and burning up the court house.

The fact is that it has been one of the biggest evidences of wholesale stealing, embezzlement and every other kind of unspeakable crime that you can think of that the government of the United States has tolerated the expenditure of public money in these States for the purpose of dragging us through the courts through the years, making us spend our money, depriving children of an opportunity.

I could get on a soap box, Senator Pell, and I could really set this town and this country on fire if I wanted to, but I am American, and I believe in our institutions of government.

I believe in doing things the way we are trying to do them, and that is the reason I come here in the manner that I do present things. But if somebody wants to light the fuse, I can blow up just like everybody else.

Senator MONDALE. I can recall in 1967 when this country was blowing up, and it was Whitey Young and Clarence Mitchell and Roy Wilkins and just a few that went into the ghettos and pleaded for nonviolence.

We were looking for friends then.

Mr. MITCHELL. I was in the White House with the President of the United States when Washington was engaged in this riot, and we were then trying to find ways that we could be helpful to the Government.

My son, the one you referred to, who is a Senator in the State of Maryland, patrolled the streets all night in the city of Baltimore with the State police trying to prevent burning and looting.

We have laid it on the line. We are willing to risk our lives and property for order and decency, but when we come before these committees, we don't want to play games about whether one bill is good and one is not. What we want is recognition of the fact that we think certain things ought to be accomplished by legislation, and if the Senate or the House is not flexible enough to give them to us, we certainly are not going to put our stamp of approval on a makeshift system when we know that this country owes its people a decent system.

Senator **Mondale**. The Chairman asked Mrs. Bain about her definition of the distinction between desegregation and integration. I thought she gave a good answer, and then I added what I thought was the human element, which I thought was touchstone.

Desegregation—we have always thought of that as a passive, negative concept. You can desegregate and still hate, and feel superior. Integration involves a human concept of decent, equal respect, of sensitivity, of appreciation of the strengths which every child, every person brings to our culture, a broad sense of humanity and compassion, and brotherhood, if you will, which is really what this whole hearing is all about.

I don't think you spent your life bringing along negative concepts. You are fighting for a united society.

Mr. **Mitchell**. Right.

Senator **Mondale**. Strangely enough, the longer I have worked in this area, the more I am convinced that respect is the indispensable element in the educational process—if children are not respected, I don't think they are going to learn.

Mr. **Mitchell**. Exactly.

Senator **Mondale**. The black child is taught in many ways that he can't learn, and I think hundreds of thousands of them are being told that in lots of little ways.

That is why in our bill we have placed major emphasis on quality, integrated education, to try to get over the negative concept of body mixing, into an affirmative educational process.

Would you not believe that this strong thrust ought to be enforced and encouraged?

Mr. **Mitchell**. I do agree, and as I said at the beginning, I was asked whether the Supreme Court gave its decision in 1954 whether we would not consider the possibility of using the word "desegregate" instead of "integrate" because desegregation was less likely to raise the hackles of the southern opposition.

But I certainly think the time has come for us to call it as it is, and I would heartily endorse Mrs. Bain's definition and your eloquent support of that principle, and say that I think we ought to—of course, it would mean having to change the language of some of these bills.

Senator **Mondale**. I was encouraged the other day when Secretary Richardson and Commissioner Morland offered the hope of compromise. That is what I think they were saying. I hope that is what they meant, because if it is, there is no reason these bills can't be combined.

But I would like to see some of the funds set aside, a substantial amount, which will be used to fund quality environments with very high standards, which go far beyond body mixing into this quality, decent, respectful environment. Because I have a feeling that if we don't, we are just going to have a lot more frustration and despair, and, of course, that is the best way to ruin a program. "See, I told you it would not work. The kids are fighting, black teachers are quitting. I told you. It is not going to work. So give up on that, and let's forget about integration and let's educate."

Mr. **Mitchell**. And I can state when the kids are fighting and the black teachers or the white teachers are quitting, that is solely the hypocrisy of those running the school system. They are not doing their job and they ought to get out of the picture and let those step in who will make the system work.

Senator **Mondale**. If I were running a school system and I did not want integration or desegregation to work, it would not be very hard to get it messed up——

Mr. **Mitchell**. You are so right.

Senator **Mondale**. I want not to be caught in that trap. I want to have an integrated system that involves the concepts of decency and fairness, in which you look not only at the body counts but the system itself, at the teachers, the textbooks, curriculum, its humanity, and then see what happens.

If as a result of this bill we only had, say, 50 experiments that were really fullhearted experiments, and they were successful, as I think they would be, as they have been where it has been tried, I think we would have set this movement on a course from which there would be no return.

But if we go through the halfhearted, negative sorts of things that we have seen, we may create resentment.

I don't know why black teachers in the South still say they are for integration. They are losing their jobs. They are being demoted.

You know, we go to the West Coast and hear testimony about some of these so-called desegregated schools. It is not just in the South, it is all over the country. The black kids testify about what is happening, the frustrations they have, and so on, and why are they still for it?

They are now, but a little bit farther down the road, if this keeps up, those who have been pleading for an integrated society are not going to have a following.

Mr. **Mitchell**. What this bill illustrates is the reason why the black people, the Negroes, the colored, or whatever you want to call them, don't trust the Nixon administration, because at the same time the President is coming out with a proposal of $1.5 billion for achieving what he calls desegregation, but what I am willing to call integration, they are in court fighting for us, all the way up then to the Supreme Court, to keep from achieving integration, and I have to swallow very hard to come in here and talk in favor of something that comes out of this kind of milieu, and I would desperately want to say what is really on my mind with respect to some of these things, but I am not here to fight that battle. That is one you do at the polling places.

But the fact is, there is a real question about just what is intended by this legislation.

Senator **Mondale**. Not only is that true, but we had a little problem recently as to who would be on the Supreme Court.

Mr. **Mitchell**. There again the whole attitude of the administration has been one of the so-called strict constructionists. What do they mean?

They mean Judge Carswell, who said he was for segregation when he was young, and all the religious people in the Senate are willing to forgive him, but the real Carswell emerged in the Florida race, and he was a racist.

The administration still defends that.

Senator **Mondale**. Thank you.

Senator **Pell**. If the witness would permit me——

Mr. **Mitchell**. Excuse me. I thought you were through with me.

Senator **Pell**. I believe you know my own views with regard to this problem. My sense of history, sense of guilt and sense of concern are most acute—In 1939 as a student I wrote an article on the general problems of relations between our peoples. If you judge me by my votes in the Senate, I think you will find there is little difference between the witness and me.

If I gave offense to the witness by pressing him, as I have others, I am sorry. I admire the witness, and admire the organization he represents very much indeed, but as chairman of the subcommittee, in trying to form a consensus to get a bill through, I am pressing every witness, not just you alone, so I am sorry you took offense.

In addition to that, I say that I have a preference between the two bills, I prefer the Mondale bill, but I also don't want to see us have no bill, which is what I was faced with as chairman last time.

So as I say, I am sorry you took offense, but every witness is asked this question. I would be derelict as chairman if I did not ask it.

Mr. **Mitchell.** At the risk of being accused of telling another story, I would like to say that one of my cherished possessions on my office wall is the rollcall of the 1964 Civil Rights Act, which you sent to me yourself saying that you thought I would like to preserve it as a historic item.

I have so preserved it, and it is framed. So my regard for you is enormous. My only feeling of a little bit of exacerbation came when in my effort to try to gracefully answer questions, you thought I was evading by engaging in story telling. [Laughter.]

Senator **Pell.** I assure you that in other committees we have the same thoughts about the Secretary of Defense. [Laughter.]

Senator **Pell.** Thank you very much.

The hearing is recessed until March 17, gentlemen.

(Whereupon, at 11:42 a.m., the Subcommittee on Education recessed to reconvene at 10 a.m., Wednesday, March 17, 1971.)

EMERGENCY SCHOOL AID, 1971

WEDNESDAY, MARCH 17, 1971

U.S. Senate,
Subcommittee on Education of the
Committee on Labor and Public Welfare,
Washington, D.C.

The subcommittee met at 3:30 p.m., pursuant to call, in room 4232, New Senate Office Building, Senator Claiborne Pell (chairman of the subcommittee) presiding.

Present: Senators Pell (presiding), and Mondale.

Committee staff members present: Stephen J. Wexler, counsel; Richard D. Smith, associate counsel; and Roy H. Millenson, minority professional staff member

Senator Pell. The Subcommittee on Education of the Committee on Labor and Public Welfare will come to order.

Senator Ribicoff was scheduled to appear today, but because of other matters will be unable to be here. We will enter his statement at this point in the record as though read.

STATEMENT OF HON. ABRAHAM RIBICOFF, A U.S. SENATOR FROM THE STATE OF CONNECTICUT

Mr. Chairman, I am pleased to have this opportunity to support S. 683, the Quality Integrated Education Act of 1971, which I cosponsored on February 9 with Senator Mondale and 16 other Senators of both political parties and to urge this subcommittee to consider favorably the "Urban Education Improvement Act of 1971" which I am introducing today.

Our society continues its inexorable march toward a complete division into two camps, one white and one black. And our schools, being part of that society, follow.

Our cities are increasingly populated by minority groups and our suburbs take on the character of an encircling white noose. Our schools, drawing pupils as a consequence of geography, follow suit.

We used to think that segregation in America was a problem of one region, the South. And then we found that in the North only 27.6 percent of black students attend majority white schools while in the South the figure is nearly half again as high—38.1 percent.

We thought the problem was confined primarily to our schools but now we know the cancer goes to the heart of our society. The problem is not just school segregation. It is real estate practices, VA and FHA mortgage policies, zoning ordinances, and a host of other factors which deliberately or inadvertently sustain the Nation's drift toward separatism.

We have debated the relative evils of de jure and de facto segregation. But there is no more time for debate. Segregation is wrong, whatever its form and whatever the labels we attach to it. Segregation means that white people don't think black, brown, or red children are good enough to associate with their children. However the message of segregation comes whether de jure or de factor, is irrelevant. What counts is the damage that it does to minority and majority alike, to young and to old, to individuals and to the Nation as a whole.

We are dealing with a national problem. We must find a national solution.

The Nation has addressed this problem twice before. In the Supreme Court Brown decision of 1954 and the Civil Rights Act of 1964, the Nation has worked—in fits and starts—to end segregation in the South. We in the North, however, by preserving for far too long the distinction between de facto and de jure segregation and by regarding the question of desegregation as entirely a Southern problem, may have won a victory only to lose the larger war.

The time has come to establish—clearly and unequivocally—a national policy for the integration of American society. S. 683 is an important beginning in establishing that policy.

The same cannot be said for the proposal offered by the administration. No one can argue that school systems throughout this country do not need the one billion, five hundred million dollars authorized by the President's bill. In city after city we see the spectre of schools and school districts going bankrupt financially as well as educationally. Local property taxes have long been an inadequate and regressive base upon which to build educational excellence.

But if we are anxious simply to provide more funding to disadvantaged schools, let us increase appropriations for Title I of the Elementary and Secondary Education Act. Let us not deceive the people of this country by claiming that the money is going to end racial isolation in this Nation's schools.

Yet, that is just the deception practiced by the administration's bill. It sets no national policy or goal to end racial isolation throughout this country. Instead, it perpetuates the dual standard of forcing the South to do one thing while allowing the North in similar situations to exercise local option.

The bill, in effect, moves against segregation in the North only where someone else is willing to take the political heat. If a local mayor or school board member is willing to assume the task of selling the goal of integration on the local level, funds may be available under this act. But the Congress makes no decision whether this is a necessary or even desirable goal.

Moreover, the administration's bill does nothing to attack the problem of segregation where it is most virulent—in the relationship between the suburbs and central cities across our country. The focus remains on individual school districts notwithstanding the evidence that all that will happen when we narrow our focus in this way is that whites will flee to the surrounding suburbs. The poor and the blacks will be left to share deteriorating schools and financially bankrupt cities.

If we are going to spend one-and-a-half billion dollars in 2 years to begin to end racial isolation in the schools of this country, I think we have an obligation to consider more than the administration's inadequate bill. That is why I am here this morning to support S. 683.

S. 683 defines the goal as integration rather than simply desegregation. It establishes strong standards before proposed programs can be eligible. It invites and requires parent and student participation. It earmarks funds for interdistrict, metropolitan integration efforts and establishes a standard of integration to be achieved in such efforts. It provides funds to experiment with educational parks in metropolitan areas.

Even these important steps forward can and should be strengthened, however. For example, we should move beyond individual schools and focus on entire school districts. S. 683 as currently drafted leaves open the possibility that school districts could integrate only a small sample of their schools, thus practicing the worst form of tokenism.

Second, I think that the bill should make it clear that it seeks stable, quality integrated schools as an objective rather than as an initial criteria for funding. We should support and encourage those schools that now offer stable enrollment and quality programs. But greater encouragement should be given to positive attempts to generate more of these schools throughout the Nation.

Third, I urge you to examine carefully the criteria which limits the eligibility of school districts based on the number and percentage of minority children. The districts covered include most children, both minority and majority, in racially isolated schools. But we must also offer incentives and assistance to such schools wherever they exist.

My major purpose in coming before you this morning, however, is to urge you to be even bolder. S. 683 is a fine beginning. We need to provide assistance for those schools already desegregating. And we need to encourage schools within a given school district or city to begin to end racial isolation. But, ultimately, we will fail if we do not involve the suburbs with the central cities in the solution to our problem.

Therefore, I am reintroducing today The Urban Education Improvement Act of 1971 which I first introduced last November.

This bill requires State and local educational agencies in metropolitan areas throughout the country to develop and implement plans to reduce and eliminate minority-group isolation in the public schools whatever the cause of such isolation. Financial assistance would be granted for the development of such plans. Each plan must provide that within 10 years every school in a metropolitan area will have a percentage of minority-group students equal to at least one-half the percentage of minority-group students in the metropolitan area as a whole.

For example, the percentage of minority-group children in the Baltimore metropolitan area is about 32 percent. Under my bill, each school in the Baltimore area would be required to have a minority-group population of at least 16 percent no later than 10 years after adoption of an acceptable plan.

Substantial progress toward this goal would be required each year.

Noncooperating school districts would be deprived of all Federal education funds and States that funded such noncooperating districts would lose Federal funds for statewide programs.

This bill is designed to learn from the lessons of the last 16 years. It is now clear that we must offer financial incentives and assistance to those we ask and require to undertake new burdens. We cannot reasonably expect State and local educational agencies to fund new programs out of existing, often inadequate, budgets.

In addition, while we should seek to end racial isolation as soon as possible, we must recognize that this cannot be done immediately. No 2-year program devised by anyone will create stable, quality integrated education throughout this country. On the other hand, left to their own devices, local communities will continue to emphasize "deliberate" and not "speed." We need a realistic, but firm, deadline.

Enactment of these provisions of my bill is essential if we are to achieve the gaols of S. 683. The provision of $150 million under S. 683 during the next 2 years for programs of interdistrict cooperation in effect establishes a pilot program for metropolitan area integration. This provision was added after introduction of my bill last year as a beginning toward the goals of my legislation and is a major reason for my support of S. 683.

A 2-year pilot program will enable us to gain experience at the local and national level regarding the best methods for dealing with the relationships of the suburbs and our control cities

Without a clear understanding, however, that this 2-year pilot program is simply the precursor for a national program, the results of the program will be of limited use. Only if State and local authorities know that commencement of a national program is inevitable will many of them be anxious to get in on the ground floor. Otherwise, local leaders will be forced to convince the local electorate that they should begin a program that is not required and will not be adopted by other communities in the foreseeable future. Many local leaders will be unwilling or unable to carry this burden.

The net effect of the adoption of S. 683 without a national commitment will be a lengthy debate in Congress now, 2 years of pilot programs only in those special areas where pleople can be convinced to act, and no guarantee that anything else will happen. Once again, we will have raised expectations with our preambles only to dash them with our fine foot.

The better solution, it seems to me, is to povide the pilot programs of S. 683 and the follow-up national commitment and 12-year plan of my bill, the Urban Education Improvement Act. My bill leaves the selection of techniques to be used to accomplish its goal to the local educational agencies of the metropolitan area. Therefore, experience gained during the 2 years of pilot programs could easily be shared and accumulated.

A number of possible techniques are identified in my bill, including construction of magnet schools and educational parks together with school redistricting, pairing and transportation. But it should be clear that this bill is not simply or primarly a bussing bill. If transportation is identified as a useful technique in a city, my bill requires that the burden shall fall equitably on minority and majority children. But, if we have to depend solely upon bussing children from one area to another on a metropolitan-wide basis to achieve integration, we will fail no matter what bill or plan we adopt.

Success will come only if we open up the suburbs for housing as well as education. Experience has shown that we will never have truly integrated schools until we have an integrated society. Schools have borne the burden of integration alone too long.

This does not mean we should not attack the segregation in our schools. We must.

But we must also attack the segregation in our society at the same time. I am also reintroducing today, therefore, my Government Facilities Relocation Act which requires government facilities and government contractors to expand or locate only in those communities willing to provide adequate housing for the facilities' low- and middle-income employees. If enacted, this bill would be a significant first step toward ending the residential segregation we face.

My two bills are only a part of what must be a many-faceted attack on the problem of segregation in American society. We must wage that battle wherever it needs to be fought and with whatever legislative weapons we can forge.

S. 683 is an important beginning in the battle on the education front. By conceiving of it as an opening experiment and adding my bill as an amendment, I think we can effectively and equitably integrate the schools of America. This should be our goal and our promise to our children and our Nation.

Senator **Mondale**. I would like to commend Senator Ribicoff not only for the statement but for a very courageous set of proposals. Tomorrow I am going to ask to be cosponsor of both bills. I think Senator Ribicoff is entitled to a great deal of credit for the insights and the proposals that he has recommended.

Senator **Pell**. We are very honored today to have two former commissioners of education, Dr. James E. Allen, Jr. of the Woodrow Wilson School of Princeton University, and Mr. Harold Howe II, vice president for Education and Research Ford Foundation.

I have known and admired both of these gentlemen. When Dr. Allen was commissioner, we had very close relations. I am delighted you have gone to Princeton University, my alma mater.

I thought probably the best way to proceed would be if Dr. Allen led off with his statement, and Dr. Howe followed with his, and then we would go on to questions after that.

Dr. **Allen**. That would be fine, Senator.

Senator **Pell**. Dr. Allen, please proceed.

STATEMENT OF JAMES E. ALLEN, JR., LECTURER IN EDUCATION AND PUBLIC AFFAIRS, PRINCETON UNIVERSITY

Dr. **Allen**. Thank you, Senator Pell.

It is a pleasure to be back before your committee, and particularly to see you again, Senator.

Senator **Pell**. Thank you.

Dr. **Allen**. Mr. Chairman and members of the subcommittee: I appreciate your invitation to testify today on the legislation before you deal with financial assistance to school districts for overcoming the adverse educational effects of minority group isolation and for achieving quality integrated education in the schools of America. As I am sure the members of this committee know, these are objectives to which I have long been deeply committed and for which I have had responsibility at both the State and Federal levels.

I commend the sponsors of both S.195 and S.683 for their interest in and commitment to the purposes for which these measures have been drawn. Our Nation has no greater goal than the complete and lasting elimination of racism in all its manifestations. The objectives of these legislative measures are directed toward the attainment of that goal through encouraging and aiding the school districts of the country to overcome the educational disadvantages of minority group isolation, and to develop school programs and activities leading toward the achievement of quality integrated schools and equal opportunity for all.

In your hearings and deliberations you have made it clear that school desegregation is not only a moral issue involving the constitutional rights of our Nation's young, but it is also a matter of sound educational practice. Quite apart from all the rhetoric and emotional cliches which have tended to confuse the issue, school desegregation is basically a means to better education for all children—majority as well as minority, rich as well as poor.

In considering the merits of a particular legislative proposal for aiding school districts to achieve quality integrated education, there are, in my opinion, certain important concepts and principles which must be kept in mind.

The legislation should recognize that racial isolation and segregation are educationally detrimental wherever they exist, regardless of cause. The difference between de facto segregation and de jure segregation will continue to be argued at length by lawyers and theorists, but educationally I can find no significant difference in the impact on children of these two types of segregation. The black child in an all black first grade in the inner city of Chicago and the black child in an all black first grade in rural Alabama will experience equal damage from the educational disadvantages of racial isolation. While it is necessary for the legal arguments to continue if case law in this critical area is to advance, your committee is to be commended for recognizing the educational values involved and for your interest in attacking the problem of racial segregation nationwide, regardless of the cause of its existence.

I recognize all too well that this is a difficult and highly controversial course to follow. Some communities, north and south, have accepted responsibility for ending racial isolation and have demonstrated leadership and statesmanship. Others continue to ignore or resist their responsibilities in this area. These realities indicate clearly to me that the achievement of desegregation will continue to require a two-pronged effort—steady and consistent enforcement of civil rights laws, and generous technical and financial assistance.

In my opinion, insufficient recognition of the importance of financial assistance has been a significant factor in holding back desegregation progress. The attention to this point begun a year ago by the President, therefore, most encouraging.

The legislation should recognize the educational values of desegregation and should contain positive encouragement and support for the establishment and maintenance of quality integrated education. Too much attention has been focused on the process of desegregation—that is, on the physical reassignment of pupils and teachers to remove the racial identifiability of schools. So much effort and emotion has been spent on means—on such things as bussing, neighborhood schools, and school district boundaries—that we too often forget the fact that what we are dealing with is really a matter of educational justice.

Desegregation is but a first and necessary step in achieving educational justice. My experience in New York State revealed that frequently, even in school systems which technically had been desegregated for years, too little had been done to take advantage of desegregation as a means for improving education for all. Not enough imaginative attention had been given to curriculum development, counseling services, continuous teacher training, grouping procedures, student government, extracurricular activities, and parent involvement.

Serious attention to these matters is essential if quality integrated education is to be a reality, and it was for this reason that, as New York State Commissioner of Education, I successfully persuaded the Governor and the legislature to appropriate funds for the purpose of assisting school districts in that State to make the desegregation process a better educational opportunity and experience for the children.

Where desegregation has gone well, you will find, inevitably, that the school officials have been actively involved with students and parents in measures that would upgrade the quality of the entire school program. Indeed, alert educators have found that desegregation gives them a remarkable opportunity to introduce educational improvements which otherwise might never have been made.

I cannot stress too strongly the importance of involving students and parents as well as teachers in plans and activities for quality integrated education. Educators have a special responsibility to nurture our heritage of the common school as an institution which is an integral part of the community—serving all and responsible to all. The times call for a rededication to the principle of the common school and for action to insure its implementation.

School systems should establish mechanisms for the continuous involvement of students and members of the community in matters that deeply affect their schools. Such mechanisms should operate at the individual school level as well as districtwide. Because of the special difficulties and the deep emotions surrounding desegregation and the achievement of quality integrated education, such involvement is essential if unrest is to be avoided and confidence is to be maintained in the public schools.

It is highly essential, therefore, that the legislation recommended by this committee and enacted by the Congress contain strong and specific provisions intended to insure that the money appropriated be expended for achieving quality integrated education and not merely for securing compliance with statistical definitions of desegregated schools or school systems.

Let me add a word here about busing. If desegregation is a means for achieving quality integrated education, and I strongly agree with you that it is, then busing is nothing more or nothing less than a means toward the same end. It is important that funds be available under assistance legislation to help local school communities which, by their own decision, embark upon redistricting or other methods for desegregating their schools which require additional transportation expenditures. I am aware of the difficulty this matter has faced in the Congress in the past. But I also recognize that the costs of additional transportation are often a significant barrier at the local level to effective and lasting desegregation. I strongly urge, therefore, that the legislation you approve authorize the use of Federal funds to meet such additional costs.

The legislation must also contain adequate procedures and safeguards for preventing abuse and for making certain that the funds are spent solely for the purposes intended by the act. The testimony received by the Select Committee on Equal Educational Opportunity and this subcommittee has contained numerous charges and documented evidence that the initially authorized emergency fund of $75 million has been widely abused, either by being spent on unrelated purposes, or, worse yet, on subsidizing schools and programs which violated the letter or the spirit of the desegregation laws.

No one committed to equal educational opportunity could read the recent report prepared by six civil rights groups and entitled The Emergency School Assistance Program: An Evaluation, and not be deeply troubled. The statistics of school desegregation sometimes divert us from understanding the climate in which physical desegregation takes place. The stark documentation in this report of abuses in the administration of the $75 million appropriation left me deeply disturbed not only about the loss to the children involved, but also about those in my profession who would tolerate such practices. The recurrance of such abuses must be prevented.

One important step which would aid in this regard would be action by the Congress on assistance legislation well in advance of the 1971–72 school year.

The best safeguard is careful planning and review before Federal funds are awarded. Judicious preventive action cannot take place when Office of Education personnel are under pressure to disburse funds within 48 hours of receipt of a proposal, as they were after the late action by Congress last August. I strongly endorse Secretary Richardson"s urgent plea to this subcommittee that:

> It is essential to have proper legislative authority established well in advance of the time when initial grants are made.

I wish to make special note of one of the most tragic abuses which has been documented not only by the report mentioned above, but also by the National Education Association and by several journalists. I refer to the increasing instances of dismissals and demotions of black teachers and administrators.

Such acts are not only a human tragedy for the educators involved, many of whom have served their communities in long and distinguished careers, but are a social tragedy in that capable black leadership is lost when most needed and black children lose examples of professional advancement which have been worthy of emulation and which, in the past, have been a source of hope for the young.

I urge stricter enforcement of existing laws against such discriminatory dismissals and demotions. Any assistance legislation should include strong safeguards that insure that funds will not go to districts which have acted unlawfully toward minority group educators. The alarming dimensions of dismissals and demotions of black educators are such that passive condemnation is not enough. What is needed is affirmative action by both the legislative and executive branches of government.

Mr. Chairman, I have confined these remarks to certain of the basic principles which should be recognized in the legislation you are considering. Others who have testified have eloquently made the case for the impact of racial isolation on children and for the effectiveness of various approaches to desegregation.

I have focused on the educational issues because of my conviction that desegregation can and must be made to lead to better education, for better education is what is at stake for both majority and minority group children.

In March of 1970, I felt compelled to issue a statement, as U.S. Commissioner of Education, which I entitled "The Obligation of the Educator with Respect to School Desegregation." I should like the privilege of entering this statement in the record along with my testimony today, but let me quote one section at this point:

> The social, economic and humanitarian implications of integration are, of course, a part of the reason for the desegregation of our schools, but the primary objective of integration is educational—the conviction that equal educational opportunity will be best achieved by providing for all children quality education in an integrated setting.

In conclusion, it is my judgment that both S. 195 and S. 683 have merit and that, in particular, the improvements made by Senator Javits in the administration's bill (S. 195) have substantially strengthened that bill.

At this juncture, however, when there is still so much resistance and vacillation over desegregation, when there is still confusion and uncertainty as to procedures, I feel very strongly that any legislation enacted must contain both safeguards against misuse of funds, and a large measure of specific direction as to the use of funds.

As a general rule, I favor flexibility in legislation, leaving to the States and localities as much discretion as possible. But I believe that the special nature and difficulties attendant upon desegregation not only justify but mandate the provision of specificity and safeguards in legislation for technical and financial assistance in achieving quality integrated education. S. 683, introduced by Senator Mondale, is a stronger bill in this respect.

I hope that the measure which eventually emerges from this subcommittee will recognize this necessity for safeguards as well as the other concepts I emphasized in this statement.

Finally, may I urge speedy enactment of assistance legislation. To be still so far from the goal of integration now 17 years after the *Brown* decision, is a reproach to a nation which thinks of itself as humane and democratic. To continue to rationalize, to temporize, to defer what we know to be just is indefensible.

Appropriate assistance legislation can be a great step in pushing toward the elimination of segregation and racial isolation, and the Congress has no more urgent duty in its concern and responsibility for education.

Thank you.

Mr. Chairman, may I add that it is a pleasure and a privilege to be joined on this occasion by my distinguished predecessor, Mr. Howe, whose record as U.S. Commissioner of Education I admired, and for whom I have great respect.

(The statement referred to earlier follows:)

STATEMENT BY JAMES E. ALLEN, JR., U.S. COMMISSIONER OF EDUCATION ON THE OBLIGATION OF THE EDUCATOR WITH RESPECT TO SCHOOL DESEGREGATION

Equal educational opportunity is the principle upon which our educational system is founded and must be the goal of all our efforts. No child whatever his race can be expected to learn or accept the fundamental values of American society when those values are openly denied in his own schools.

In the present period in our nation, the greatest single barrier to progress in achieving this goal is the continuing existence of racially segregated schools. No one can deny that this is probably the most sensitive and serious problem ever faced in the development of American education. But undeniable also is the fact that despite the complex social and economic causes of segregation and the enormous difficulties involved in eliminating it, segregation in our schools simply makes a mockery of the concept of equal educational opportunity.

When confronted with an issue that has such deep emotional and social impact, it is natural to seek the easiest and least disruptive means of dealing with it. But with the issues of desegregation and integration, it is inescapably evident that, when considered in fundamental terms, there is no way, no argument as to means, no sophistry or evasion whereby the principle of equality of educational opportunity can be made to accommodate the continuing existence of segregated schools in a democratic society—no matter how difficult the problems involved in eliminating them may be.

It follows therefore that every educator dedicated to the principle of equal educational opportunity for all must accept his responsibility to work unstintingly for the elimination of school segregation and do everything he can to achieve educational integration.

The social, economic and humanitarian implications of integration are, of course, a part of the reason for the desegregation of our schools, but the primary objective of integration is educational—the conviction that equal educational opportunity will be best achieved by providing for all children quality education in an integrated setting.

More and more research evidence, more reports are pointing out that not only is separation by race or class within a democracy inherently wrong but that the health of our democracy cannot thrive as long as such separation continues. This condition affects all elements of life in our society—school, housing, employment—and all levels of government and all sectors of society bear a responsibility for it. But education has, I believe, a particular responsibility because of its unique formative influence which comes into play so early in the life of the individual. Continued segregation can only weaken the fabric of our society. All our children must live in a multi-racial world and the school is a natural place in which to introduce them to that world.

The public schools exist in order to educate the individual and to make an educated populace in a free and open society. When a condition exists which stands in the way of both of these goals, it is the obligation of all those responsible for the public schools to do everything within their power to correct it.

All educators throughout the nation, therefore, should not only persevere in their efforts to eliminate segregation in our schools, but should take the lead in helping the public to understand the values that are at issue, the harmful educational effects of segregation on all our people, and the necessity for its elimination if the public schools are to serve equally well all the people of America.

It is the educator who must see to it that debates about means such as busing, neighborhood schools, district boundaries, etc., are not allowed to obscure the ends being sought. He should help his community to understand that in seeking to eliminate segregation we are acting in faithfulness to the fundamental principle of equality of educational opportunity.

It is clear that the conscience of the nation is troubled. This, I believe, is a most hopeful sign that we shall eventually emerge from the thicket of controversy which now ensnares us and find a way to accomplish the integration which we know must exist if our public schools are to reflect and reinforce the democratic principles of our nation.

I am fully and sympathetically aware of the critical nature and the diversity and complexity of the problems school officials face in their efforts to eliminate segregation in their respective communities and areas. I am also aware of and commend the courage and tenacity of purpose demonstrated by so many educators which have brought about significant progress in all parts of our country. Action at the Federal level is, of course, important and can help, but alone it cannot effectively eliminate segregation—the ultimate responsibility must be accepted and acted upon by the educational leaders and the people of each State and of each community.

In the position of national leadership which I occupy, I shall continue to emphasize the educational value of integration, and the educational deprivation of segregation regardless of cause.

Senator Pell. I am delighted that both of you could join us today. I think we all feel very much at home with the two of you.

Dr. Howe?

STATEMENT OF HAROLD HOWE II, VICE PRESIDENT FOR EDUCATION AND RESEARCH, FORD FOUNDATION

Mr. Howe. It is my pleasure to be here with Jim Allen and you gentlemen.

I would begin by saying I subscribe to everything he said. My remarks might appear redundant, therefore, but I think I will put them in the record anyway.

Hr. Chairman and members of the committee, I have been requested in a letter of March 5 from Senator Pell to give my views on two measures before the Senate Subcommittee on Education—(1) the Emergency School Aid Act of 1971, S. 195, and (2) the Quality Integrated Education Act of 1971, S. 683.

While I cannot claim intimate knowledge of the background, intent, and likely impact of all the detailed provisions of this proposed legislation, I have examined the two bills, the testimony of Commissioner Marland in regard to them, and a number of other documents. They concern an area of public policy on which I have some experience, much of it recorded in hearings of various committees of the 89th and 90th Congresses.

To keep this formal presentation short and to use our time for discussion and questioning, I shall simply make a series of brief assertions about the problem to which these bills are addressed and on the values of the proposed legislation as I see it:

1. The administration and the Congress are clearly moving in the direction of a stronger and freer American society by proposing national funding for integrating education. We should have had legislation of the kind suggested here before the Congress long ago, and those who have brought it here now are to be congratulated.

2. It is important to be absolutely clear about the distinction between "integrating" the schools on the one hand, and "desegregating" them on the other.

"Desegregation" is a legalistic concept. It involves removing legislative or administrative barriers to integrated education—barriers created by public policy of States, school boards, or other agencies. One of the tests that both courts and the Department of Health, Education, and Welfare have applied to determine whether schools are "desegregated" is to seek evidence of "integration," which is the common attendance of the same school and the same class by pupils of different races.

When integration is required as a test of desegregation, it is usually required at a minimal level and does not usually result in comprehensive integrated education. To my knowledge there is no legal requirement in the United States at the present time for truly integrated education. The schools of the North, which in the legal sense have not generally required "desegregation," continue in large part segregated. The schools of the South, in response to the requirement of desegregation, have become more integrated than they were, but remain segregated in large part through some of the same influences which have brought about segregation in the North.

3. Truly integrated education is an important goal for all educational institutions in the United States. Whether we are to have one society or two, one set of values or a second class citizenship for blacks, will be determined in the long haul by our capacity to provide integrated education.

4. Producing integrated education is not a 2-year job as some might surmise from the provisions of these two bills. It will take 10 or 15 years if we start with a billion or more dollars a year tomorrow morning. So no one should support these bills with the naive notion that passage of one of them or some compromise between them will do the job. The job is long. It will be strongly opposed in local areas.

5. Legislation to accomplish school integration—and frankly we should be more interested in integration that in desegregation, which is already required by law—will have to be explicit about what is to be done and how money can be used. Excessive dependence on local options will invite lip service rather than meaningful action and encourage the kind of abuses which developed in connection with the $75 million made available.

6. There are real problems with administering a program of this kind. I am sure that some of the difficulties which developed in a number of school districts last year grew from haste in getting started and inadequate staff resources in Health, Education, and Welfare, to get the job done.

To give Health, Education, and Welfare $1.5 billion to put it into relationship with thousands of school districts over the toughest issue in American society makes no sense unless Health, Education, and Welfare is at the same time given the staff resources to do the job and funds to help cities improve their own staff operations for the purpose.

Mr. Chairman, we learned this lesson from the implementation of the Elementary Secondary Education Act, which was my responsibility to put into operation. We were much handicapped by these factors of timing and lack of staff in launching that program.

Mr. Chairman, these are general points concerning a most significant set of legislative proposals. My broad view in regard to the legislation before you is that neither bill will guarantee attention to all these matters. No doubt your committee will be conferring about ways to bring together the differences in the two bills, and perhaps it will include consideration of some of the points raised by Senator Ribicoff in a proposal reported in the press today. As I view the choices before you at the present time, it seems to me that S. 683 is more directly focused on producing integration and on testing in the laboratory of actual experience some of the important concepts such as education parks which have been the subject of conversation but not of action for such a long time.

It may well be that the views of Senator Ribicoff reflect a more realistic appraisal of the job ahead than either of the bills you are now considering. There are, however, distinct elements of progress in all of the legislation before you.

I might add, Mr. Chairman, that the basic reasons that I support S. 683, are found in the details of it and also in the spirit of the entire legislation. The legislation seems to me to spell out a program of realistic activity that can be accomplished and to provide funding for specific pieces of that activity in an organized and orderly way.

The alternative legislation has less of that character. As you get into some of the details of the legislation, I particularly like the portion of S. 683 which addresses itself to cooperation among school districts. This seems to me a kind of activity that needs specific mention and specific support, and it gets this in S. 683.

I particularly like, also, the insistence on community participation that you find in that bill. Whereas, I am sure, community participation can be financed under the other bill, it is not in the same way required and spelled out. In my view, at least, that makes S. 683 a stronger piece of legislation.

I believe also that it is high time we stopped talking about education parks. I have been talking about them for 15 years and had an honest try at making them work. There have been a variety of imaginative proposals, none of them receiving funding from local, State, or National resources, and whereas there are real complexities and questions about the validity of this idea, it is time we tried it. It is clear that S. 683 offers the opportunity to do that.

I have a number of suggestions about both pieces of legislation. Let me mention only a couple.

One is in the area of planning. It isn't clear to me whether in the administration bill, planning is really required or not. There is considerable mention of planning in that bill and I am glad of that.

There is less emphasis on planning in S.683. Because I feel that integration of schools is such a long job, because I am sure that school districts aren't going to achieve a 2-year solution but will have to plan 5 or 10 years ahead. I think it is important to have in whatever legislation is passed some emphasis on the planning aspect and some funds available for planning.

The other point I make in regard to this legislation has to do with the predicament of large cities. I realize that the concentrations of minority group people under various financial formulas suggested in both bills would tend to bring larger amounts of money to the large cities, but I don't think that fact all byitself recognizes the magnitude of the problems in the cities.

It costs much more to do things per pupil in the large cities. The cost of running schools are higher. I simply speculate about whether there is any possibility, as you solidify legislation, of arranging things so that there could be proportionately a larger amount of funding going into major metropolitan areas. It would seem to me worth considering some way to bring more focus on metropolitan problems.

Finally, as a point for consideration, and perhaps related to my remarks on planning, there is in existence a large Federal program that is funded at around $1 billion a year, in round numbers. Title I of the Elementary Secondary Education Act——

Senator **Mondale**. A billion five already.

Mr. **Howe**. Good.

This money is focused on the interests of the same pupils we are talking about in connection with this new legislation to assist with school integration. It would seem to me advantageous to consider the possibility of a school district or a city planning jointly for the use of the funds appropriated under this new legislation and the funds available under that old legislation and building a composite package. And it might even be possible to consider building into this legislation a percentage award of some kind for the city that chooses to develop a comprehensive program from both sources, ESCP and this new legislation.

Thank you very much, Senator.

Senator **Mondale**. Thank you for a most useful presentation.

The chairman has had to step out for a moment.

It was quite clear in your testimony that each of you sees a distinction between "desegregation" and "integration". One of the things we grapple with in this committee is how one defines that distinction.

Would one of you care to try, or both of you?

Dr. **Allen**. I would try. I would really be somewhat supplementing what Mr. Howe said.

To me, desegregation is an administrative process, basically. If we really wanted to, in this country, we could desegregate it tomorrow, because it is an administrative question. But integration is education and this is more important and more difficult. The two are not separate. You can't integrate unless you desegregate. But one is education and one is largely administrative. At least that is the way I always interpreted it in New York State.

I also felt if we really wanted to desegregate, we could accomplish that by changing boundary lines and moving children around and mixing them up. We could desegregate. But if we wanted to accomplish better education for everybody, we have another problem. That is integration, building in the quality, making certain the children are in a new experience and living together and seeing to it that their education does not suffer but is enhanced by the desegregation process.

Senator **Mondale**. Would you care to try a definition of integration?

Mr. **Howe**. Well, I took a shot at one in my testimony. I believe that as we have used the word "desegregation" in the affairs of the Federal Government related to the schools, it has tended to be a legalistic concept. It has involved the process of getting rid of any regulations or laws or ordinances of any kind of a State or a school district, which set minority groups aside and require that they have segregated education.

The process of setting the State laws aside, particularly in the South, has been a long and difficult process. At long last it is having some success in overcoming the effects of those laws. But as we go about that process, we tend to get what I would call minimal or token integration.

The real business of integrated education, hitching the word "education" to it, as Dr. Allen does, is providing all youngsters with the opportunity to have their education in exposure to a cross-section of American society, at least as far as the group in reasonable contiguity to them is concerned. This is one of the reasons, Senator, that I am most interested in that section of your bill which provides for inter-school district cooperation. The way people live, the way people therefore are organized in school districts and the way youngsters attend school tends to perpetuate a segregated situation.

Your bill opens up the possibility of new energy to break down some of those lines, to lead to cooperation back and forth between urban and surburban school districts. There are, of course, many examples of this having been attempted on a voluntary, small-scale basis. It seems to me that what your bill says is, "Let's create the opportunity to do this on a voluntary large-scale basis." I think that is important.

Senator **Mondale**. As our work has progressed here, I have become increasingly convinced that there is validity to that distinction between desegregation and integration. It may not only be definable, but critical, to the success of the human and educational objectives that underly the effort.

We have held hearings with respect to school districts that have desegregated, Riverside, Berkeley, several others, and in each case the administrators are reporting that the mere mixing of bodies, while somewhat of value, has exposed the need for a whole new generation of education techniques and a whole new generation of educational attitudes which place emphasis on the human element, the human process, the attitude of teachers, the trust and respect that a student should be entitled to. This approach is difficult to define and yet an entirely different philosophy of direction and of effort from simply mixing bodies according to some kind of legal definition of desegregation, which tragically itself is not defined and may not be defined even in the upcoming cases.

Would you agree there is a meaningful valid distinction between the two?

Mr. **Howe**. I certainly would, and I think that this was a major point of Dr. Allen's testimony.

Senator **Mondale**. Now, that being true, would you support the effort found in S. 683 to encourage this process through Federal funding for the establishment of quality integrated schools throughout the country, distinct from funding desegregated institutions, whatever they might be?

Dr. **Allen**. I certainly would, there is no question about that.

Senator **Mondale**. Do you think it important to have a separate section which conditions Federal aid upon that kind of effort as distinct from something less?

Dr. **Allen**. I would certainly agree that just to desegregate isn't going to accomplish very much unless you do have some pressure of that sort and you are not going to accomplish it with better education.

Senator **Mondale**. Well, if integration is defined in that general way, would you not agree with me there are very few examples of integrated education in this country today?

Mr. **Howe**. Unfortunately, that is true.

Senator **Mondale**. Would you name a few?

Mr. **Howe**. You referred in your remarks to Berkeley, which has made a major effort. As a matter of fact, it was helped to do so by ESEA funds. I think that the people in Berkeley would probably say that they have yet to build the total educational program and the retraining of staff and the rethinking of how you develop teaching and learning in the school to take advantage of the integrated opportunity. They are still working away at that.

Senator **Mondale**. Well, beyond Berkeley, name some.

Dr. **Allen**. I could name White Plains, N.Y., that has done a good job of this.

Senator **Mondale**. Where else?

Dr. **Allen**. I don't know about Atlanta. I have been hearing some good things there.

Senator **Mondale**. The point I am trying to get at is that this Nation is tragically short of experience and understanding as to the restructuring and involvement of the community and all the other elements needed to really make integration work in human terms and educational terms. For that reason, there is a need to have a national effort to encourage experimentation in all kinds of environments and all kinds of situations and with all different minorities, which is something we often ignore, to learn more about this process.

Would you agree with that?

Mr. **Howe**. Yes, I would. I think you could find quite a number of examples of small activities that don't involve a whole school district as the one or two we cited do. There have been a fair number of suburban school districts which have tried to bring an important experience to their students by introducing a group of youngsters who are not represented in that school district. Some of this experimentation has been financed partly by title 4 of the Civil Rights Act, which has always been a low level of operation in terms of dollars.

I think that you can find some examples of the same sort of activity financed under title 3 of the Elementary and Secondary Education Act, but again not very many of them and usually on a small scale.

Dr. **Allen**. May I make a point?

Senator **Mondale**. Sure.

Dr. **Allen**. One of the things I don't find in this legislation is the fact that there are enormous barriers to the achievement of integrated education or desegregation at least in the Northern States by virtue of the outmoded patterns of school finance and school district reorganization. The power to do something about this lies very heavily in the States. I would hope sooner or later you have some incentives to encourage States to get about reorganizing their school districts, for example. When you have as many as 900 school districts in the State, many very small—70-something on Long Island, for example—this is a barrier to the achievement of integrated quality education.

I would hope the Federal Government sooner or later provides some incentives and may even withhold funds if necessary to get the States to put their own schoolhouses in order. The pattern of finance which ties so heavily together, loan control and finance inhibits the development of the kind of schools necessary for quality education. We need an enormous change and improvement in the whole business of district reorganization, better financing.

The States have a power to do something about this. The State legislatures do. I would hope the Congress sooner or later gets encouragement to the States to do something about them.

Senator **Mondale**. I was interested in your comment about planning. I think it is true that the meat of this bill is funding for planning. We have some money for evaluation. It might be in order, instead of saying setting 1 percent of the funds aside for evaluation, to set 2 percent aside, part of which can be used for planning and another for evaluation.

Another thing that has haunted me all the way through these discussions has been the fact that obviously 2 years is little more than time to begin to tool up an effort. We should commit ourselves right now to a long-term, sophisticated, strategic assault upon segregated education in this country, and the other point, of course, is trying to coordinate it.

You mentioned title I, but one of the problems throughout education is the problem of bilingualism; that is, monolingualism. The Chicanos, Puerto Ricans, different Indian languages, and the rest.

One of the things that happens with integration where the minorities are spread is that it gets increasingly difficult to take care of the separate problems; for example, the language problems. It is easier to have a Filipino bilingual program in one school than to try to have one in 50 schools. So we have difficult problems in coordination between all the appropriate titles.

Mr. **Howe**. I agree with that. I cited title I because that is where the money is.

Senator **Mondale**. I would like to see some money set aside for bilingual education which is tragically underfunded. In San Francisco, we heard the other day, there are 3,000 monolingual Chicanos only 100 of whom are receiving bilingual education. How can those children possibly learn? I think 200,000 or 300,000 underachievers in this country can be explained simply because the teachers cannot talk to them. I do not know how a child can learn in that kind of environment.

If you are going to integrate, the problem becomes especially difficult and especially worthy of effort. Do you agree with that?

Mr. **Howe**. Yes; I think the funds suggested in these programs could be used for that purpose now. What you are suggesting is that we make sure attention is called to that.

Senator **Mondale**. There is a peculiar unwillingness to face up to that.

Mr. **Howe**. I am not sure what the status of it is at the present time.

Senator **Mondale**. We built bilingual education up to 20 million; 20 billion would take care of it. It has been building, but it is still inadequate.

One final question. Each of you seem to be coming down for fairly carefully defined categories with funding set aside for those categories. Not only in terms of quality education strategically, but also for educational parks, which both of you mentioned, multidistrict cooperation, community participation, and the rest.

Both of you have the unusual experience of having sought to administer legislation to administer the distribution of funds, and both of you are in a position now to tell us the truth which we have waited for for years.

Could you not say that one of the biggest problems of administering a program in a sophisticated, intelligent way was the pressure you received from Congress to spread funds in a political way, and that it helps you to have carefully defined earmarking as a defense to permit you to exercise your judgment and to permit you to serve the local districts better?

Take the education park. Even if we have $150 million, which seems like a lot of money, from everything I have read you would be lucky to fund two educational parks. Suppose the Commissioner is forced to spread that among 15 States, the whole promise of this experiment would be lost, would it not?

Senator **Pell**. Well, we could agree they would be in Minnesota and Rhode Island.

Senator **Mondale**. We are having trouble with Senator Javits on that. I would hope when we finish this we would learn something. I sought for 5 years to get a research program for clean lakes, which is a program everybody ignores. Finally we got $3 million, they distributed it among practically every State; each State got $1.95 and I do not think we are going to learn anything. I am sure it was the pressure from all of us which caused this result.

My question is, if there are important educational experiments or strategies to be tried and we agree on that, isn't it important to define those strategies well and provide funds clearly for only those purposes, to put the Commissioner in a position to better serve those objectives?

Mr. Howe. I think that is a valid argument. Of course, you are always going to have the desire of Members of Congress to have things happen in their home districts, and this will be a continuing exchange between whatever administration is in and the Congress. That is as it should be. For other reasons, however, I think it makes sense to spell out the kind of things you want to happen when legislating about race relations.

Dr. Allen said that he was normally in favor of open legislation which left a great many local options, and in this case, if I understood you correctly, Jim, you said you sought a different approach to legislation. I would have that same feeling because of the kind of tensions there are locally about the sort of problems to which this legislation is addressed. Those tensions would inevitably lead to compromises about accomplishing the sort of thing you want to happen. Therefore, I strongly support spelling out what is to be done and with what funds. Without such explicit directions there is a real danger of ineffective use of funds and perhaps a misuse.

Dr. Allen. This is not a problem that is left to the Congress alone, I might say; it exists in other places, too.

Senator Pell. I think there is a good deal of merit in this thought, it is one of the reasons for the specificity of some of the legislation. To greatly over-simplify the two bills in front of us, as I understand the views of both of you, it is that while you strongly support the Mondale bill, you also support the administration bill. You prefer the administration bill, rather than no bill. Would that be an oversimplification of your views?

Dr. Allen. I would agree with that, very definitely. I think the administration bill could be administered to accomplish a great many things that are in 683, but it seems to me it is well to have them spelled out in 683 to avoid the kind of abuses we have had in the past and also to make certain that there are these earmarked funds for very important things. They ought to be experimented with.

Senator Pell. We had some poor experiences with the administration of the $75 million which you are aware of. The derelictions were pointed out of not only the civil rights group, but also in the General Accounting Office which made a report.

Senator Mondale. I have one further question. Both of you brought up educational parks. It has been suggested that we should stay away from physical facilities altogether and just make planning funds available. My argument has been that we have already planned several educational parks only to find the capital cost is beyond the reach of the core city. Maybe what we need now is only modest funding, but we really should try one or two of them, and in order to do that we have to have capital costs.

Do you agree with that?

Mr. Howe. Yes.

Dr. Allen. I do.

Senator Pell. Thank you both very much, indeed, for taking the time to come down here.

Our next witness is Howard Glickstein, Staff Director of the Commission on Civil Rights. Mr. Glickstein, you have a lengthy statement here and I would suggest that maybe the statement could be inserted in the record and you would summarize it.

Mr. Glickstein. I would be happy to do that, I have a shorter version here.

Senator Pell. Please proceed.

STATEMENT OF HOWARD A. GLICKSTEIN, STAFF DIRECTOR OF THE U.S. COMMISSION ON CIVIL RIGHTS

Mr. Glickstein. Mr. Chairman, I am Howard A. Glickstein, staff director of the U.S. Commission on Civil Rights. I am accompanied today by Mr. John Powell, general counsel of the Commission, on my left and on my right is Mr. Jonathan Fleming, my special assistant. I wish to think you for this opportunity to testify before the Subcommittee on Education on Senate bills S. 195 and S. 683.

I am honored to appear after Dr. Allen and Dr. Howe, two outstanding former Commissioners of Education. I vividly recall Dr. Allen's testimony at the Commission's hearing in Rochester, N.Y. in 1966, in which he said many of the same things he spoke about today. I think it is about time we started listening to him.

As you know, I appeared before this subcommittee last June when it was considering the Emergency School Aid Act of 1970.

Since last June, circumstances have changed. The emergency need for appropriations before the start of the September school term has been met. Substantial progress has been made toward desegregation of the schools, although much remains to be done.

Last June, there was only one proposal for emergency school assistance. Now, there are several proposals under consideration.

In addition, we now have new and extensive information on equality of educational opportunity gathered through the hearings of the Select Committee on Equal Educational Opportunity, as well as the benefit of last fall's experience under the emergency school assistance program.

From this experience, we can draw an important conclusion: unless expenditures under emergency school aid programs are carefully targeted, the funds will tend to go into projects unrelated to school desegregation or the elimination of minority group isolation.

The failures of ESAP have been documented by six national civil rights organizations. Similar criticisms have been voiced at open meetings of several State advisory committees to the Commission on Civil Rights. And, as you know the General Accounting Office supported some of these criticisms.

Although the criticisms of ESAP are justified, I believe overreaction to what has happened would be a serious mistake. I find it ironic that we forgive gross maladministration and failures in our scientific and technological programs, but rarely do we forgive mistakes in our social programs.

I would like now to direct my remarks to the legislation under consideration by the subcommittee. Both S. 195 and S. 683 provide supplemental funds on an incentive basis to school districts willing to use them to deal with minority group isolation in the schools.

Both bills look toward the eventual elimination of minority group isolation. Both recognize the necessity for strong safeguards against the types of abuses which occurred in ESAP last fall.

Neither bill, however, will desegregate all schools or eliminate minority group isolation everywhere. For example, while comprehensive desegregation could be funded under both bills, both also would permit the funding of a local educational agency if it merely plans to eliminate or reduce minority group isolation in only one of its schools. Experience has shown that when given an option, school districts invariably will settle for the lowest level of desegregation. Thus, the lack of any requirement for desegregation virtually assures that school districts will undertake little to reduce minority group isolation. In this respect, both bills are disappointing.

The eligibility requirements of both bills outline what Congress is asking school districts to undertake in the way of school desegregation. But much more is needed! It seems to me that for $1.5 billion we ought to ask for more now, not later.

I am sure that the subcommittee is familiar with the recommendations of the Commission on Civil Rights for national legislation for the elimination of racial isolation. In our report, "Racial Isolation in the Public Schools," we viewed school desegregation as a statewide problem that cannot necessarily be solved within the boundaries of existing school districts. That was the point Dr. Allen made just a few minutes ago. We recommended legislation, under Congress 14th amendment powers, to require a State to organize school districts so that the maximum amount of desegregation could be achieved.

The persistent evasions of State responsibility in the area of equality of educational opportunity were illustrated by this testimony of the Alabama State Superintendent of Education before the Commission in 1968:

Asked why it was possible for a county in Alabama to have a high school for whites that was valued at $120,000 and a high school for blacks valued at $750, he answered:

> Well, I would assume that the building that is assessed for $120,000 is a more expensive building than the one that is assessed for $750, that would be a reasonable assumption. Now, . . . the State had nothing to do with building either one of the buildings. It is a little something that we call democracy and we think that it has worked pretty well.

Mr. Chairman, I would like to discuss separately the principal features of S. 195 and S. 683 and then I would like to make some recommendations for combining the best provisions and features of each bill.

I wish to commend the sponsors of S. 683 for the statement of findings in section 2. Congressional enactment of these findings would be significant. Congress also could follow the example of the poll tax provision of the Voting Rights Act of 1965 and include in the bill a declaration that constitutional rights are being denied.

The keystone of S. 195 is its determination of the eligibility of school districts for funding by reason of their status as undergoing legally required school desegregation or their voluntary adoption of a plan to achieve elimination or reduction of minority group isolation in minority group isolated schools of the district.

S. 195 seems to proceed from an appealing logic. It accepts existing court orders and HEW approved plans and provides funds to make it possible to carry out these plans. As what is required by the courts and HEW becomes more innovative, so too will the plans being funded.

The difficulties with the eligibility approach of S. 195 are found in the current weaknesses of Federal enforcement of school desegregation. Many court orders and HEW approved plans do not provide for total desegregation of a formerly de jure segregated school district. Recent figures of HEW's Office for Civil Rights show that many school districts considered to be in compliance continue to operate schools which are totally black or totally white. Thus, under the current state of school desegregation enforcement, S. 195 would fund districts which are doing less than they could be required to do to achieve school desegregation and integration.

We recommend, therefore, that all districts eligible for funding under section 5 be required to submit a plan for the complete elimination of minority group isolation in all the schools. A district which is eligible for funding under Section 5(a)(1) would be required to submit a supplemental plan for the complete elimination of minority group isolation if this is not provided for in the court order or HEW plan. This recommendation also requires that subsections 5(a)(3)(A) and 5(a)(3)(B) be deleted.

Subdivision (D) of subsection 5(a)(3) funds districts seeking to enroll minority group children who are nonresidents of the school district. We suggest adding a provision which would fund racially isolated districts to enroll majority group (white) children who are nonresidents of the school district. This would enable school districts of cities such as Washington, D.C. to initiate program to attract enrollment from white suburban communities which in turn might encourage majority group members to live in the cities.

At the heart of S. 683 are its provisions which earmark funds for specific purposes and which provide for the establishment of "stable, quality, integrated" schools. This approach represents a commendable effort to avoid the pitfalls in funding school districts by reason of their status as undergoing court-ordered or HEW-sanctioned school desegregation, regardless of the merits of the plan or the quality of integrated education achieved under the plan.

As I indicated earlier, we are disappointed that S. 683, like S. 195, does not require a plan for complete elimination of minority group isolation.

Under section 5 of the bill a local educational agency is eligible for assistance if it adopts "a plan for the establishment or maintenance of one or more stable, quality, integrated schools." A local educational agency would be eligible under this section even if its plan does not result in the reduction of minority group isolation in the district as a whole as long as the plan establishes at least one integrated model school.

If the model school approach is to be used there must be a requirement that school districts develop a plan to eliminate minority group isolation. Accordingly, the following recommendation for strengthening S. 683 is offered:

(1) require for eligibility that the district substantially reduce minority group isolation throughout the district and that assistance be available only for those schools within the district that are integrated; and

(2) require for eligibility that the educational agency establish a plan to eliminate completely minority group isolation in all of its schools.

Sections 5(b) of both bills are essentially the same. They fund compensatory education programs in school districts having an enrollment of at least 15,000 minority group children or having an enrollment of more than 50 percent minority group.

Legislation intended to move the Nation toward integration should not contain any financial incentives to continue the status quo in the maintenance of racially isolated schools. Funds under title I and title III of the Elementary and Secondary Education Act are readily available to minority group isolated school districts to accomplish purposes identical to those proposed under sections 5(b) of both bills. Accordingly, we recommend no funds be made available under this legislation for programs unaccompanied by the elimination of minority group isolation.

There are a number of school districts eligible for assistance under this provision for whom it is feasible to undertake desegregation or the elimination of minority group isolation. These districts ought not to be excused for requirements of integration merely because a certain number or large percentage of minority group children attend schools in the district.

Section 6 of both bills lists activities which are authorized to be funded by the Secretary. It is essential to the success of the legislation that the permissible activities be precisely limited to school integration and dealing with the resulting problems. And this is a point of view identically made by both Dr. Howe and Dr. Allen. Only activities relevant to integration should be authorized. In addition, preference should be given to plans which incorporate those types of activities which have been shown to have worked successfully to promote school desegregation.

The commission presently is studying the technical assistance programs funded under title IV of the Civil Rights Act of 1964 in a number of school districts undergoing desegregation. We have found that successful desegregation has been helped by programs and activities related to the human relations problems which occur in integrated schools. In my complete statement I include a list of such activities.

The need for similar activities in integrated schools has been suggested by testimony given before the Select Committee of the Senate on Equal Educational Opportunity in Berkeley, Calif. 2 weeks ago and by accounts of interracial troubles in desegregated schools.

It is no surprise that integrated schools can reflect only the current state of race relations in the Nation.

There are, however, rational, fair, and simple solutions to many problems, which, when poorly handled, have led to disorders, fights, and confrontations in some desegregated schools. For example, a frequent cause of student disruption is selection of cheerleaders. Clearly, if the tradition of selecting cheerleaders has been through a student election, the numerical minority group (white or black) is going to be outvoted. Hoke County, N.C., solved this problem by substituting the old popularity contest with tryouts conducted before a panel of students of both races. The result was an integrated cheerleading team.

In my opinion, similar, commonsense approaches can be used in many situations. The difficulty is introducing into the schools some personnel who will inject rationality, fairness, and mediating skills into racial situations. One of the objectives of section 6 should be to encourage schools to hire such people.

On balance, the authorized activities spelled out in S. 683 are preferable to those listed in S. 195. We also recommend the deletion of expenditures for repair, remodeling, acquisition of equipment, and purchase or lease of mobile classroom units.

Many of the inappropriate projects funded under ESAP last fall involved expenditures of activities and items authorized by this subsection.

A significant feature of S. 683 is section 5(a)(2) which provides for funding interdistrict projects aimed toward metropolitan desegregation of schools. Again, both Dr. Allen and Dr. Howe spoke about how important both programs were. Establishment of stable, quality integrated schools operated jointly by district in the same SMSA can be an effective first step toward the elimination of minority group isolation. It will help ease some of the racial polarization increasingly common to our metropolitan areas and provide a beginning to a revision of school district boundary lines. The standard of integration required by the provision, however, is exceedingly low; it should be increased. In addition, a major improvement would be made if this provision contained a requirement that, to be eligible for funding, the districts must submit a joint plan for the elimination of racial isolation.

Although metropolitan desegregation efforts are not totally precluded under S. 195, the weakness of the student exchange programs of the type authorized by the bill was once described for the Commission in this manner by a teacher: "As one of my students in one of my classes said last year, 'Well, it was nice of them to come down to the zoo to see us.' "

With respect to S. 195, we recommend the specific authorization of interdistrict projects to eliminate minority group isolation.

I also am pleased that S. 683 contains an authorization for the funding of education parks. As you know, the Commission has had a longstanding interest in this particular device for achieving desegregation.

Under the waiver provisions in both bills, no local educational agency is eligible for assistance if it has engaged in certain prohibited practices. An ineligible district, however, can apply for a waiver from the Secretary if it satisfies certain conditions.

Section 5(d)(4) provides that the Secretary cannot approve applications prior to a determination that the applicant is not ineligible. It is not clear, however, how the ineligibility of districts will be determined. Is it enough for the applicant merely to furnish assurances of the type provided in section 8 of S. 195? The Commissioner of Education apparently believes that section 8 accomplishes what is sought under section 5(d) of both bills. We have seen enough of the meaninglessness of paper assurances.

Or, does determination of ineligibility depend upon a finding in a formal administrative hearing? If so, there is little likelihood that this section will be effective.

Perhaps one way to strengthen this section is to expressly provide for pregrant compliance reviews similar to those conducted before entering into Government contracts. Such a procedure would determine the authenticity of whatever assurances are provided and, as under contract compliance procedures, would not require formal administrative proceedings.

The present situation, however, calls for more than the voluntary incentive programs offered by these two bills. Unconstitutional and illegal conduct in education still is common. In my full statement I mention a number of forceful and direct steps to put an end once and for all to these practices. These steps include stronger and more meaningful IRS action to deny tax exemptions to private segregated schools, actions to recover misspent Federal funds, and mechanisms to bypass administrative agencies unwilling to undertake termination proceedings as authorized by title VI of the Civil Rights Act of 1964.

Senator MONDALE. Would you yield there? I was not aware of any activity by the IRS. Do you know of a single segregation academy whose tax-exempt status has been denied which was not ordered by the Federal district court?

Mr. GLICKSTEIN. I think you are correct on that.

Senator MONDALE. Do you know any that they did it voluntarily?

Mr. GLICKSTEIN. They have not done any voluntarily.

Senator MONDALE. Do you say more effort? You talk about shilly-shallying. They released three times bold statements about how they weren't going to grant tax exemption to segregation academies, and to my knowledge they haven't denied a single one. They granted several and they just remained silent on the rest. When they say they are going to deny them, they deny them prospectively, which means they already bought the building and grounds. So, I think this is tax support for private segregated academies. I have given up on this issue a long time ago. My nemesis even quit. I don't even know who to accuse any more.

Mr. GLICKSTEIN. Well, they just accept assurances without any requirement for showing that the school is actually integrated.

Senator PELL. Actually, your written statement is more accurate than your verbal one for there you say that the Internal Revenue Service can move vigorously to deny tax exemption.

Mr. GLICKSTEIN. I believe that a successful bill to provide financial assistance to school districts for the purpose of desegregation and elimination of minority group isolation can be built upon either one of the bills before you. In my statement I set out the general outlines of such a merger. Briefly, it is as follows:

1. Incorporate the findings of S. 683.
2. Require a districtwide plan for the complete elimination of minority group isolation.
3. Insure that the other Federal education funds are not diluted by money from ESAP.
4. Use the list of authorized activities contained in S. 683 with the modifications we have suggested.
5. Reserve funds, as provided in S. 683, for education, parks, metropolitan desegregation projects, and integrated educational television.

6. Strengthen the waiver provisions by requiring pregrant compliance reviews.

7. Authorize attorneys' fees, with the modification that the Attorney General be permitted to bring an action against the losing school board for their recovery.

8. Retain the advisory committee structure provided in S. 683.

Last Monday the Committee on Economic Development released an important report on urban education for the disadvantaged. I am sure that you have read the accounts of this report. In their report the committee wrote:

> Racial discrimination continues to be the Nation's most important single educational problem . . . . Racial integration remains basic to the more complex solutions to urban educational dilemmas . . . . We urge that top priority be given to school integration and that financial incentives be offered to districts which make clear progress toward desegregation.

The members of this subcommittee must take heart to know that 200 of the country's leading businessmen have thoughtfully concluded that racial integration is basic to the solution of our educational problems.

The legislation pending before this subcommittee would represent a significant step in providing the necessary financial resources. But funds alone are not enough. We must possess the will to achieve desegregation. This requires commitment and leadership from all branches of government. Congress must make full use of its constitutional powers to desegregate schools and to eliminate minority group isolation.

Thank you, and I am sorry for going on so long.

(The prepared statement of Mr. Glickstein follows:)

STATEMENT OF

HONORABLE HOWARD A. GLICKSTEIN

STAFF DIRECTOR

UNITED STATES COMMISSION ON CIVIL RIGHTS

BEFORE THE

SUBCOMMITTEE ON EDUCATION

OF THE

COMMITTEE ON LABOR AND PUBLIC WELFARE

UNITED STATES SENATE

March 17, 1971

Mr. Chairman, I am Howard A. Glickstein, Staff Director of the United States Commission on Civil Rights. I wish to thank you for this opportunity to testify before the Subcommittee on Education on Senate bills S.195 and S.683, legislation to provide financial assistance to school districts willing to use the funds to desegregate schools, to reduce minority group isolation and for other purposes related to minority group education.

Emergency School Assistance Appropriation of $75 Million

As you know, I appeared before this Subcommittee last June when it was considering S.3883--the Emergency School Aid Act of 1970, legislation similar in purpose to the two bills now before the Subcommittee. At that time, the Commission on Civil Rights supported the concept of legislation providing financial assistance to desegregate schools and to eliminate racial isolation, and we noted the fact that S.3883 was the first legislation introduced by any Administration for that specific purpose.

Since our testimony last June, circumstances have changed. The emergency conditions under which Congress considered the proposal have abated. The immediate need for appropriations before the start of the September school term has been met. Congress, although it did not enact S.3883, did appropriate $75 million for Emergency School Assistance in the Office of Education Appropriations bill.

Last June, there was only one proposal for emergency school assistance under consideration. Now, there are several alternative proposals. In addition, there has been the experience gained from the administration of the Emergency School Assistance Program and extensive information gathered through the impressive hearings of the Select Committee on Equal Educational Opportunity.

From this experience, we are able to draw an important conclusion: Unless expenditures under emergency school aid programs are carefully targeted, as I stated in my testimony last June, the funds authorized will tend to go into diffuse and ill-conceived projects unrelated to school desegregation or the elimination of minority group isolation.

A recent report on the administration of the Emergency School Aid Program prepared by six national civil rights organizations strongly suggests that such abuses did occur last fall. I have read that report as well as the response of HEW and I am not satisfied that the Department has sufficiently refuted the central contentions of the civil rights organizations that programs were unlawfully funded and that many projects approved by HEW were not in accordance with the purposes of ESAP.

Just two weeks ago at a public meeting held under the auspices of the North Carolina Advisory Committee to the Commission, the Secretary of the North Carolina State Advisory Committee on Equal Educational Opportunity--a group set up to advise on the administration of ESAP and desegregation--said that ESAP "is the closest thing to general aid to education we have." He praised the program for permitting school districts to do virtually whatever they wanted to do with the money. This, of course, is not what those funds were intended for.

Concededly, the Office of Education had problems last summer. Congress authorized the Emergency Aid Program (P.L. 91-380) in mid-August. The school term began in many areas of the country during the last week of August. Given this situation it should not surprise the members of the Subcommittee that many unsound and inappropriate projects were funded under the ESAP.

Notwithstanding the justified criticism of the administration of ESAP, I believe overreaction to what has happened would be a serious mistake. I find it ironic that only social programs are rarely forgiven errors. Let a headstart program somewhere waste one hundred thousand dollars and there is a hue and cry to abolish not only the entire program but all similar programs as well. In our scientific programs this Nation calmly spends billions. When a hundred million dollars worth of rockets blow up on a launching pad without leaving the ground, we write off the losses to the cost of scientific and technological progress. We have to be equally willing to underwrite, although not condone, our mistakes in the social field as well.

The Bills Now Under Consideration

I would now like to direct my remarks to the legislation under consideration by the Subcommittee. Both S.195 and S.683 provide supplemental funds on an incentive basis to school districts willing to use them to deal with minority group isolation in the schools.

Both bills share the common goal of looking toward the achievement of school desegregation and elimination of minority group isolation. Both are improvements upon the program authorized by Congress last summer in their common recognition of the necessity for strong safeguards against the types of abuses in ESAP which occurred last fall.

It is extremely encouraging that there is strong Congressional interest in enacting National legislation to deal with the problems of school desegregation. It should be understood, however, that neither bill will desegregate all schools or eliminate minority group isolation everywhere. For example, while comprehensive desegregation could be funded under both bills, both also would permit the funding of a local educational agency if it merely plans to eliminate or reduce minority group isolation in only one of its schools, although the standard in S.683 does provide at least that the one school shall be a "stable, quality, integrated" school. Experience has shown that given an option, school districts invariably will settle for the lowest level of desegregation. Thus, the latitude of standards for funding programs virtually guarantees that school districts will undertake little more, and often less, than what the law presently requires or what constitutes only minimal steps to reduce minority group isolation. In this respect, both bills are disappointing.

The eligibility requirements of both bills establish the outlines of what Congress is asking school districts to undertake in the way of school desegregation. This legislation, if enacted, will constitute the first step in a National effort to eliminate the adverse effects of minority group isolation in education. But much more is needed! It seems to me that for $1.5 billion we ought to ask for more now, not later.

The Commission on Civil Rights welcomed the introduction of the Emergency School Aid Act of 1970 because it was felt the bill would be a prelude to other legislation for the nationwide elimination of the adverse effects of minority group isolation in education. I am sure that the Subcommittee is familiar with the recommendations of the Commission on Civil Rights made in 1967 that Congress enact National legislation for the elimination of racial isolation in all schools. We urged that Congress, pursuant to its broad powers under Section 5 of the 14th amendment, establish a National requirement that racial isolation be eliminated in the public schools.

We also recommended that Congress should ensure that the States be required to meet their obligations to desegregate schools.

As you know, the 14th amendment says that "no State" shall be responsible for a denial of equal protection of the laws. School desegregation must be viewed as a statewide problem that cannot necessarily be solved within the bounds of existing school districts. The existence of various subdivisions within a State should not be permitted to frustrate Constitutional requirements.

Just as States are required to prepare reapportionment plans--plans that often must go counter to provisions of State constitutions and statutes and which ignore existing political subdivisions--so too should States be required to come up with statewide desegregation plans. There would not be any legal problem to requiring a State to organize school districts so that the maximum amount of desegregation is achieved.

This country for some time has been unable to deal with many problems because of the irrational nature of many of our governmental units. In some instances, however, governmental units have undertaken joint efforts where a regional approach was required, as in dealing with sewage and transportation problems. The area of education is no less important and no less amenable to broader based action.

The fact that the States have managed to evade responsibility in this area was brought out sharply at the Commission's hearing in Montgomery, Alabama in 1968. At that time State and Federal funds provided nearly all of the local school budgets in Alabama school districts. One superintendent testified that his school system could operate for exactly 11 days upon local revenues. Yet, the State Superintendent of Education disclaimed any responsibility for how State money was spent on the local level.

He was asked why it was possible for a county to have a high school for whites that was valued at $120,000 and a high school for blacks valued at $750. His answer was

> "Well I would assume that the building that is assessed for $120,000 is a more expensive building than the one that is assessed for $750, that would be a reasonable assumption. Now, ... the State had nothing to do with building either one of the buildings. It is a little something that we call democracy and we think that it has worked pretty well."

I realize there is a great distrust among civil rights supporters of the good faith and competence of State departments of education. Nevertheless, I have never understood that incompetence was an excuse for failure to comply with the requirements of the Constitution. I strongly urge Congress to hold the States accountable for the elimination of minority group isolation in the public schools in a manner which can be enforced against them.

Mr. Chairman I would now like to discuss separately the principal features of S.195 and S.683 and at the conclusion I would like to make some recommendations for combining the best provisions and features of each bill.

FINDINGS

I wish to commend the sponsors of S.683 for the statement of findings in Section 2. Congressional enactment of these findings would be significant. I would like to suggest, however, that Congress follow the example of the poll tax provision of the Voting Rights Act of 1965 and include in the bill a declaration that Constitutional rights are being denied. For example, after the initial finding of Section 2(a), the section could further provide that "upon the basis of these findings, Congress declares that the Constitutional right to equal protection of the laws in the field of education is being denied."

ELIGIBILITY REQUIREMENTS

S.195

The keystone of S.195 is its determination of the eligibility of school districts for funding by reason of their status as undergoing court ordered or Title VI required school desegregation or their voluntary adoption of a plan to achieve elimination or reduction of minority group isolation in minority group isolated schools of the district. These provisions are contained in Section 5, which also makes eligible certain racially isolated school districts for funding of programs designed to overcome the adverse effects of minority group isolation by improving the academic achievement of children in such schools. Section 5, in addition, contains the waiver provisions, which are identical to those contained in Senate bill S.683. I will discuss those provisions later in my testimony.

S.195 seems to proceed from an appealing logic. It accepts existing court orders and HEW approved plans requiring desegregation and provides funds to make it possible to carry out these plans. As what is required by the courts and HEW becomes more innovative, so too will the plans being funded.

The difficulties with the eligibility approach of S.195 are found in the current weaknesses of Federal enforcement of school desegregation. Many court orders and HEW approved plans do not provide for total desegregation of a formerly de jure segregated school district. The minimum standards of desegregation acceptable to HEW and some courts appear to the Commission on Civil Rights to be less than what is required by the Constitution and certainly less than what Congress can ordain under Section 5 of the 14th amendment. In addition, according to the more recent figures of HEW's Office for Civil Rights even those school districts considered to be in compliance continue to operate schools which are totally black or totally white. Thus, under the current state of school desegregation enforcement, S.195 would fund districts which are doing less than they could be required to do to achieve school desegregation.

We recommend, therefore, that all districts eligible for funding under Section 5 be required to submit a plan for the complete elimination of minority group isolation in all the schools. A district which is eligible for funding on the basis of desegregating under a court order or HEW approved plan, must submit a supplemental plan for the complete elimination of minority group isolation if this is not provided for in the court order or HEW plan. This recommendation also requires that Subsections 5(a)(3)(A) and 5(a)(3)(B) be deleted.

These sections make eligible (A) a school district which implements a plan to eliminate or reduce minority group isolation in one or more of the minority group isolated schools of the district, or, (B) a plan to reduce the total number of minority group children who are in minority group isolated schools.

These two subsections seriously dilute what should be the standard of desegregation and elimination of minority group isolation.

Subdivision (D) of Subsection 5(a)(3) funds districts seeking to enroll minority group children who are nonresidents of the school district. We suggest adding to the language of that Subdivision a provision which would fund racially isolated districts which seek to enroll majority group (white) children who are nonresidents of the school district. This would enable school districts of cities such as Washington, D.C. to fund programs to attract enrollment from white suburban communities which in turn might encourage majority group members to live in the cities. Another benefit of this suggestion would be to prevent the operation of a "passive" veto by suburban districts, who may fail to cooperate in planning inter-district projects otherwise authorized by the bill.

S.683

At the heart of S.683 are its provisions which earmark funds for specific purposes and which provide for the establishment and maintenance of stable quality integrated schools. This approach represents a commendable effort to avoid the pitfalls in funding school districts by reason of their status as undergoing court-ordered or HEW-sanctioned school desegregation, regardless of the merits of the plan or the quality of integrated education achieved under the plan.

As I indicated earlier, we are disappointed that S.683, like S.195, does not require a plan for complete elimination of minority group isolation as a condition for funding.

Under Section 5 of the bill a local educational agency is eligible for assistance if it "has adopted a plan for the establishment or maintenance of one or more stable, quality, integrated schools." A local educational agency would be eligible under this section even if it adopts a plan that increases minority group isolation in the district as a whole as long as the plan establishes one integrated school.

We need to do more to desegregate and to eliminate racial isolation than merely establish models of legality. This is like saying, "it is too difficult to guarantee voting rights everywhere; therefore, let's set up some model voting precincts to show it can be done. It is too difficult to assure fair juries everywhere; therefore, let's set up some model judicial circuits to show it can be done."

If the model school approach is to be used there must be a requirement that school districts develop a plan to eliminate minority group isolation. Accordingly, the following recommendation for strengthening S.683 is offered:

1) require for eligibility that the district substantially reduce minority group isolation throughout the district and that assistance be available only for those schools within the district that are integrated, and

2) require for eligibility that the educational agency establish a plan to eliminate completely minority group isolation in all of its schools.

COMPENSATORY EDUCATION

Sections 5(b) of both bills are essentially the same. They fund school districts having an enrollment of at least 15,000 minority group children or having an enrollment of more than 50 percent minority group. Grants made by the Secretary under this Subsection are to be used "for unusually promising pilot programs or projects designed to overcome the adverse effects of minority group isolation by improving the academic achievement of children in one or more minority group isolated schools."

We recommend that no funds be made available for educational programs unaccompanied by desegregation or the elimination of minority group isolation.

This legislation, which is intended to move the Nation toward integration, should not contain any financial incentives to continue the status quo in the maintenance of racially isolated schools. Funds under Title I and Title III of the Elementary and Secondary Education Act are readily available to minority group isolated school districts to accomplish purposes identical to those proposed under Sections 5(b) of both bills.

There are a number of school districts eligible for assistance under this provision for whom it is feasible to undertake desegregation or the elimination of minority group isolation. These districts ought not to be excused from requirements of integration merely because a certain number or large percentage of minority group children attend schools in the district. The negative aspects of this provision are reinforced in S.683 by Section 4(a)(2) which reserves up to 25 percent of funds allotted to a State for the purpose of pilot compensatory education projects in minority group isolated districts as defined in Section 5(b). In addition, the State, under Section 4(b) of S.683, may not use the reserved funds for any other purpose. Thus, the compensatory education features contain substantial incentives counter to the elimination of minority group isolation.

Experience has shown that unless financial assistance is tied specifically to accomplishing desegregation or the elimination of racial isolation local school systems will tend to choose projects which perpetuate segregation. Therefore, compensatory education funds authorized under the Emergency School Assistance Act should be required to be used as an element in a plan to desegregate or to eliminate racial isolation in the schools. I might also point out that we have spent nearly $6 billion on Title I programs since 1965. There is some question whether emergency school assistance funds should contribute to this pool of money without the requirement that its use be accompanied by desegregation.

AUTHORIZED ACTIVITIES

Section 6 of S.195 and S.683 lists activities which are authorized to be funded by the Secretary. It is here where the greatest precision of purpose is vital. Too often, similar provisions in other legislation have become merely shopping lists for school administrators more interested in obtaining funds than in achieving the purposes for which funds are authorized. It is essential, therefore, that the permissible activities be precisely and clearly limited to the purposes of eliminating minority group isolation and dealing with the resulting problems. Every effort should be made to ensure that activities funded are directly related to the process of desegregation and integration of schools.

One way this can be accomplished is to make sure that only activities which deal with and are relevant to integration are authorized. In addition, preference should be given to plans which incorporate those activities which have been shown to have worked successfully to promote successful school desegregation.

As you know, Title IV of the Civil Rights Act of 1964 authorizes assistance in the preparation of school desegregation plans as well as technical assistance with the problems incident to desegregation. At the Commission we presently are studying technical assistance programs under Title IV to evaluate their success as well as that of the program as a whole. We have found that successful school desegregation has occurred where technical assistance under Title IV has involved a variety of activities all of which are related to the kinds of general and specific human relations problems which occur in integrated schools. The following is a list of continuing activities in one school district's desegregation program, which we found to be effective:

1) training and workshops in intergroup relations, under professional supervision,

2) information programs designed to tell the community, parents, school officials, administrators, faculty and students of

- --the legal aspects of school desegregation;
- --the moral and ethical aspects of school desegregation;
- --the content of the local school desegregation plan and procedures for affecting immediate and ultimate desegregation;

3) new curricular materials related to human relations,

4) historical descriptions of minority groups in the world, America and the local State,

5) programs to establish rapport between majority group and minority group teachers and students,

6) efforts to involve students, parents and community members in planning for desegregation and anticipating and mediating the conflicts that inevitably will arise,

7) efforts to improve community understanding and appreciation of the problems of total school desegregation.

I am sure there are other activities which have been used elsewhere successfully and this list is merely illustrative of what can be done.

The need for similar activities to be funded in integrated schools has been pointed up sharply by testimony given before the Select Committee of the Senate on Equal Educational Opportunity in Berkeley, California two weeks ago and by accounts of interracial troubles in desegregated schools.

It should come as no surprise to this Subcommittee that integrated schools can reflect only the current state of race relations in the Nation. We have not emphasized sufficiently relationships among groups in integrated schools. The so-called "problems incident to desegregation" are not exclusively those related to busing or redrawing school district lines and the like. They also relate to the problems which arise because students and teachers of different races now are in schools together when in the community at large the parents of these children and other adults have been pitted one against the other along racial lines for many generations.

There are intelligent, fair and simple solutions to many problems, which, when poorly handled, have led to disorders, fights and confrontations in some desegregated schools. For example, a frequent cause of student disruption is selection of cheerleaders. Clearly, if the tradition of selecting cheerleaders has been through a student election, the numerical minority group (white or black) is going to be out-voted. Hoke County, North Carolina solved this problem by substituting the old popularity contest with try-outs conducted before a panel of students of both races. The result was an integrated cheerleading team. Some schools utilize panels composed of faculty members. Hoke County elected not to use adults. Why? In the words of the school administrator, "adults are prejudiced; the students knew how to solve this problem best."

White ignorance of other racial and ethnic groups has been at the root of many disturbances in desegregated schools. For example, here in the Washington metropolitan area, inter-racial fighting broke out in an integrated suburban high school because many white students, ignorant of the 50-year history of James Weldon Johnson's "Lift Every Voice and Sing," known as "The Negro National Anthem," misconstrued the singing of the song in an assembly program to be a slur against the Nation.

In my opinion a simple, common sense approach can be used in many situations. The difficulty is introducing into the schools some personnel who will inject rationality, fairness and mediating skills into racial situations. One of the objectives of Section 6 should be to encourage schools to hire such people.

On balance, the authorized activities spelled out in S.683 are preferable to those listed in S.195. The list could be improved by deleting completely Subsection 6(a)(9) which authorizes expenditures for repair, remodeling, acquisition of equipment and purchase or lease of mobile classroom units. It is our observation that this provision is an open gate inviting abuses of ESAP money. Many of the inappropriate projects funded under ESAP last fall, complained about in the ESAP Report, involved expenditures of activities and items authorized by this Subsection. For example, one project, which I found particularly noxious, called for the purchase of electric fans to ventilate integrated classrooms.

I would like to caution, however, that the most stringent draftsmanship can never protect against poor administration of emergency school funds. This program will not work unless it is administered by an understanding bureaucracy.

PROVISIONS FOR METROPOLITAN DESEGREGATION

A significant feature of S.683 is Section 5(a)(2) which provides for funding projects aimed toward metropolitan desegregation of schools. It authorizes the Commissioner of Education to make grants to local education agencies located in the same Standard Metropolitan Statistical Area to make joint arrangements for the establishment and maintenance of stable, quality integrated schools. This provision can be an effective first step toward the elimination of minority group isolation in the schools. It will help ease some of the racial polarization increasingly common to our metropolitan areas and provide a beginning to a revision of school district boundary lines. The standard of integration required by the provision, however, is exceedingly low; it should be increased. In addition, a major improvement would be made if this provision contained a requirement that to be eligible for funding the districts must submit a joint plan for the elimination of racial isolation.

Metropolitan desegregation efforts are not totally precluded under S.195, but the bill makes no specific provisions for the joint establishment and operation of integrated schools by one or more school districts within the same SMSA. "Innovative intergroup programs" involving children attending different schools can be funded under Section 6 of S.195. The weakness of such programs was accurately described by a teacher at the Commission's hearing in Cleveland serveral years ago. Asked about the value of student exchange programs, he replied:

> I think the reaction is somewhat illuminating as one of my students in one of my classes said last year, "Well it was nice of them to come down to the zoo to see us."

With respect to S.195, we recommend the specific authorization of interdistrict projects to eliminate minority group isolation.

I also am pleased that S.683 contains an authorization for the funding of education parks. As you know, the Commission has had a long-standing interest in this particular device for achieving total desegregation and an improvement in the quality of education being offered in the schools.

WAIVER PROVISIONS.

I will now turn to the waiver provisions which are contained in the eligibility sections of both bills.

Under the provisions, no local educational agency is eligible for assistance if it has engaged in certain prohibited practices. An ineligible district, however, may apply for a waiver from the Secretary if it satisfies certain conditions.

Section 5(d)(4) provides that the Secretary cannot approve applications prior to a determination that the applicant is not ineligible. It is not clear, however, how the ineligibility of districts will be determined. Is it enough for the applicant merely to furnish assurances of the type provided in Section 8 of S.195? The Commissioner of Education apparently believes that Section 8 accomplishes what is sought under Section 5(d) of both bills. But haven't we seen enough instances of meaningless paper assurances?

Or, does determination of ineligibility depend upon a finding in a formal administrative hearing? If so, there is little likelihood that this section will be effective. Perhaps one way to strengthen this section is to expressly provide for pre-grant compliance reviews similar to those conducted before entering into government contracts. Such a procedure would determine the authenticity of whatever assurances are provided and, as under contract compliance procedures, would not require formal administrative proceedings.

But the present situation calls for more than the voluntary incentive programs offered by these two bills. Unconstitutional and illegal conduct in education still is common in many places in the country and it is time that we took the most forceful and direct steps to put an end once and for all to these practices.

1. There are direct and forceful ways to deal with private segregated academies. The Internal Revenue Service can move vigorously to deny tax exemptions to, and withdraw them from, such academies. It should strengthen present requirements for tax exempt status by requiring more than a mere assurance of nondiscrimination; the IRS should make an affirmative finding of the legitimacy of such schools.

Appropriate lawsuits also can be brought to require such academies to desegregate.

2. There are direct and forceful ways to deal with school districts that mis-spend Federal funds. They can be required to repay these funds even if it necessitates court action requiring the levy of a special tax.

3. There are direct and forceful ways to deal with the interminable strategems, evasions and scruffy subterfuges that have been adopted to circumvent the Brown decision. Congress sought to do this in Title VI of the Civil Rights Act of 1964. But, as the reports of the Commission on Civil Rights have repeatedly pointed out, this provision has not been adequately enforced by the agencies charged with the responsibility. Perhaps we need a mechanism to by-pass unwilling agencies. It might be effective to authorize individuals to petition agencies to undertake termination proceedings and to proceed directly in court for this remedy if the agencies are unresponsive. Going beyond this, perhaps we need the same sort of automatic triggering device which solved our voting problems in the Voting Rights Act of 1965 that would bring school districts guilty of repeated evasions under the jurisdiction of some type of Federal education receiver. Or perhaps, we need a separate independent agency to deal with unlawful educational practices in the same way we deal with unfair labor practices and unlawful employment practices.

Merging the Two Bills

Mr. Chairman, I understand that the Subcommittee is interested in ways in which S.195 and S.683 can be merged. I believe that a successful bill to provide financial assistance to school districts for the purpose of desegregation and elimination of minority group isolation can be achieved by building upon either one of the bills. The general outlines of such a merger would be the following:

1. The findings and purpose of S.683 are well-stated and are essential to this legislation. I would recommend that the finding be amended as I have suggested earlier.

2. As a condition of eligibility, the school district should be required to have a district-wide plan for the complete elimination of minority group isolation in the schools of the district.

3. We would retain the provision in S.683 that would make appropriated funds available for use only to the extent that the sums appropriated to the Office of Education for any fiscal year exceed the sums appropriated to the Office of Education for the next preceding year for major educational programs.

4. The list of authorized activities should exclude those activities which have been proven to be not relevant to integration and emphasize and give priority to those which have been shown to be effective in dealing with the problems of integrated schools.

5. Funds should be reserved, as in S.683, for the construction of educational parks.

6. Funds should be reserved for local educational agencies making joint application to establish quality stable integrated schools within the same SMSA.

7. We also would include reserved funds for integrated educational television.

8. We recommend that the waiver procedures contained in both bills be strengthened by requiring pre-grant compliance reviews.

9. It would be useful to provide some form of specific authorization for award of attorneys' fees in school desegregation cases. Such fees serve to encourage individuals to enforce their rights and the costs charged to the losing party tends to deter unlawful conduct.

Courts can award attorneys' fees in school cases today but only under unusual circumstances in which the court has found that the litigation was caused unnecessarily by the school board.

As Section 11 of S.683 presently is drafted, the award of attorneys' fees cannot have much deterrent effect on school boards since the Federal Government is footing the cost. Consideration should be given to providing for the charging of attorneys' fees directly against the losing school board (the technique used to good effect in litigation under Title II and Title VII of the Civil Rights Act of 1964). At the least, if payment by the Federal Government is authorized, as provided in S.683, the Attorney General should be permitted to bring a lawsuit against the school board for recovery of the attorneys' fees paid pursuant to this bill.

10. We would retain the provisions in S.683 establishing multi-racial committees and giving them more than an advisory role.

Conclusion

One hundred thirty-five years ago, the first State superintendent of Education in Ohio described the role of public education in American Society in this manner:

> Take fifty lads in a neighborhood, including rich and poor--send them in childhood to the same school--let them join in the same sports, read and spell in the same classes, until their different circumstances fix their business for life: some go to the field, some to the mechanic's shop, some to merchandise: one becomes eminent at the bar, another in the pulpit: some become wealthy; the majority live on with a mere competency--a few are reduced to beggary! But let the most eloquent orator, that ever mounted a western stump, attempt to prejudice the minds of one part against the other--and so far from succeeding, the poorest of the whole would consider himself insulted.

The public school is a unique institution in our society. As the President pointed out nearly one year ago:

> It is a place not only of learning but also of living--where a child's friendships center, where he learns to measure himself against others, to share, to compete, to cooperate--and it is the one institution above all others with which the parent shares his child.

In short, the school is the most important public institution bearing on the child's development as an informed, educated person and as a human being.

This view has been strongly endorsed in a report on *Education for the Urban Disadvantaged* released last Monday by the prestigious Committee on Economic Development, a group of 200 distinguished businessmen and educators. The Committee on Economic Development stated:

> We stand firmly on the principle that education is the instrument by which the poor and disadvantaged must enter the mainstream of American economic and social life.

The Committee also said:

> Racial discrimination continues to be the nation's most important single educational problem. Though there has been some disillusionment with the initial promise of integration as a means of providing equality of educational opportunity, we are committed to the importance of integration to both human equality and improvement in the general quality of education. Racial integration remains basic to the more complex solutions to urban educational dilemmas. School integration is of critical importance for the quality and equality of education as well as for social relationships. We urge that top priority be given to school integration and that financial incentives be offered to districts which make clear progress toward desegregation.

It is essential that our children--black, brown, red, yellow, and white--receive the kind of training in integrated environments that will equip them to thrive in the multiracial society they will enter. Integrated education also is of critical importance if we are to heal the dangerous division in our society and if America is to achieve its promise. The techniques necessary to accomplish desegregation are at hand. What is needed is the will to bring these techniques to bear on the problem and the financial resources necessary to make most effective use of them. The legislation pending before this Subcommittee would represent a significant step in providing the necessary financial resources. But funds alone are not enough. It also is necessary to generate the will to achieve desegregation. This requires commitment and leadership from all branches of government. Congress must make full use of its Constitutional powers to desegregate schools and to eliminate minority group isolation. As the President said last year, "Our national conscience is at stake." We cannot afford to compromise at this point in our National history.

Mrs. Frankie Freeman, a longtime Member of the Commission on Civil Rights once described the races in this country as "two alienated and unequal Nations confronting each other across a widening gulf created by a dual educational system based on income and race." If the gulf that divides us is ever to be closed we must eliminate minority group isolation in the public schools of the land.

Senator **Pell**. Thank you for a most informative and comprehensive presentation.

As I understand the thrust of your statement, you think that while the Mondale bill is better than the administration bill, both bills are better than nothing. Is that an over-simplification or not?

Mr. **Glickstein**. I think that the provisions of both bills need to be strengthened and both bills are certainly better than nothing.

Senator **Pell**. And you would like to see a more stringent bill than the Mondale bill?

Mr. **Glickstein**. Correct.

Senator **Pell**. Senator Mondale?

Senator **Mondale**. You heard the questions and answers of Mr. Howe and Dr. Allen about desegregation and integration.

Do you see a distinction? If so, how do you define integration?

Mr. **Glickstein**. It is hard to improve on Dr. Allen, but I think I would probably say what he said, that desegregation is really a mechanical process.

I remember a year ago last October, when the Holmes County case was being argued in the Supreme Court, Justice Black couldn't seem to understand what was so complicated about desegregation. He kept saying, "why don't you just do it." I think that is probably true with desegregation.

On the other hand, integration is a sociological process and much more is involved there.

Senator **Mondale**. On page 23 of S. 683, subdivision 2, 8A and B, we set forth priorities for applications in which we try to tie the schools which are funded into a comprehensive context. That is, we don't want a cop-out where really a segregated school system exists, where we fund one school that ignores the situation elsewhere.

We are working to strengthen that. There is a problem there that we would like to deal with.

Just one final point. Would you not say that the conclusions found by the reports on the administration of the $75 million by the six civil rights groups and by the GAO, together with our long experience with other civil rights laws, raise the question of enforcement as the key element in the meaningful administration of any bill?

There is plenty of reason to believe, even with the best intentions by the Congress, that there is a profound enforcement problem which could be aided by private lawsuits, and that we therefore should permit the payment of reasonable fees and costs upon the conclusion of a successful lawsuit.

Is it a matter of fact, that most of the legal fees that are incurred today to prevent the assertion of constitutional rights, are being funded from public sources?

Mr. **Glickstein**. The only modification I made on that, is that generally the payment of attorneys' fees serves as a deterrent effect on the defendant, and under this bill, the school boards that lose the lawsuits don't have to pay out attorney fees.

Senator **Mondale**. I agree with you.

One of the facts of the Equal Employment Act has been the fact that a successful plaintiff gets his fee.

I have had some trouble figuring out how we would have authority to impose that upon local school districts.

Mr. Glickstein. I think that probably Congress could amend section 1983 and provide that all 14th amendment lawsuits of the plaintiff shall be entitled to reasonable attorney fees.

Senator Mondale. The only thing is that some of these fees are fantastically expensive, and if the local school board has to pay for it, that comes from the till.

Mr. Glickstein. If they knew that in advance, maybe they would settle the suits as many unions and employers have done, rather than litigate them.

Senator Mondale. Thank you very much.

Senator Pell. Thank you.

The final witness today is Mr. Evans Clinchy, president of the Education Planning Association of Boston.

Mr. Clinchy, you have no written statement?

Mr. Clinchy. No, sir. I will be fairly short.

STATEMENT OF EVANS CLINCHY, PRESIDENT, EDUCATION PLANNING ASSOCIATION, BOSTON, MASS.

Mr. Clinchy. Thank you very much for inviting me to be here. I am at the moment a private educational consultant, but for 6 years, I was chief of research and development for the Boston school system.

As you know, the State of Massachusetts has, since 1965, had a racial balance law. In Boston during the period I was in charge of innovation and was involved in attempting to meet the requirements of that law. So some of my comments will be made within that context.

It seems to me there is no question that it is very important to do something about minority group isolation. But for me the problem is equally the racially isolated and segregated all-white schools, especially in the suburbs.

Equal damage to society is being done to white children growing up with almost no knowledge of minority children and no grasp of what life is like in the city. Therefore, a large portion of the money that you are considering under this bill should go to encourage metropolitan planning in the creation of schools that mix minority and white kids and urban and suburban students in a wide variety of different ways. This is obviously the only way that substantial integration can occur in those big northern cities, where the minorities are now, or are close to being, the majority.

In addition, no school district should get any money unless it develops a comprehensive plan covering all schools in the district and showing how racial isolation of both minorities and whites shall be improved, if not eliminated.

It is all well and good to create a few shining models of high-class integrated schooling. But so what? The history of American education is litered with great demonstration models that have had little or no effect. Unless the school district commits itself to spreading successful models and does in the form of a successful plan to which it is committed, I say it is still spinach and will mean nothing.

I would also add that developing such a plan, and creating the models, takes time and money. This is time and money that most school systems do not have. If you expect anything good to come out of this bill, there had better be some provision that enables school districts in metropolitan areas to do some real thinking and planning. Otherwise, as was the case with many ESEA projects, the proposals you get will be half-baked and ineffective.

I would also add that it should not be only the public sector, that is, local education agencies that receive money, but that private agencies should be encouraged to develop plans and programs too.

Although putting white and minority children together in the same building will obviously help both groups, it is only a small part of the problem. The real problem is school itself.

Most of our educational system is simply obsolete. It is not working, and in its present form will work less and less well in the future. Putting white and minority children together will help, but it is only a small step toward real integration and real quality.

Most of the black parents I talked to don't see much point in taking their children out of one bad all-black school and sending them halfway across the city to an equally bad, predominantly white school. Unless there is a real assurance in the emergency school aid program that the program will create changes in the way we operate schools, all your efforts will be in vain. Many black parents, in particular, would prefer to keep their children in a neighborhood all-black school and work for large-scale changes in those all-black schools.

By changes I mean radical changes in control of individual schools, changes in what is taught, how it is taught, where it is taught, changes in who teaches and especially in our whole concept of how children develop and become able to learn anything at all.

This legislation that you are considering is attempting to bribe people into integration rather than forcing them. I will go along with that. But my experience tells me that parents, black and white, are not interested in sending their children to integrated schools just for the sake of integration. But they will send their children to integrated schools if they believe their children are going to receive a radically improved or different kind of education.

Let me give you an example, the only example I know of that fits this particular definition. In Massachusetts we have had a racial balance law since 1965. In Boston we have spent the last 6 years trying to balance the schools by a variety of means, especially by building new schools and hoping to attract whites.

We haven't had time to test the construction idea fully, but the fact is that racial imbalance is getting worse every year in Boston rather than better. There is one small but glaring exception to the rule—the William Monroe Trotter School, which is smack in the middle of the black section of Roxbury. This new school was opened in 1969 as a so-called magnet school with half of the 700 seats saved for white children whose parents had to volunteer them. Free transportation for whites provided by the State.

As the school prepared to open, everyone predicted no whites would come. When the school did open, almost all of those white seats were filled, especially the early childhood and primary grade seats. There were even applications from suburban white parents who were not provided with free transportation.

Today, the school is not quite racially balanced in the upper grades, but the situation is getting more balanced year by year. There is a waiting list for both white and blacks.

The question is, why this miracle?

The reason is that the school program was based on a previous experimental program in the nearby Boardman School. This was an attempt to institute, beginning way back in 1965, the open or informal class of integrated day approach of the British infant schools.

The Boardman program, although we went through hell to get it established, became an enormously popular program in the black community, and became well known throughout the city as a whole. It was the fact, I firmly believe, that this program was going to be the basis for the Trotter School that brought in all of those white children. The whites came because they thought their children were going to get something different and much better.

The lesson is clear. There should be a greater insistence in these two bills on this kind of large-scale change in individual schools and school systems as a whole if integration is going to work.

One of the big changes that these bills should be pushing and which they don't push hard enough, is this: We have got to stop thinking of a school as something that is housed in a particular building. If recent educational experimentation means anything at all, it means abandoning the notion that education is something that happens in one place during certain hours and only for three-quarters of the year.

In Boston, for instance, we are developing a program that we hope will be funded under this act. It is called the partnership school program. It involves a new, or at least a different definition of what a school is, and what integration is.

I would like to supply a copy of this program for the record.

(The information subsequently supplied follows:)

THE BOSTON PARTNERSHIP SCHOOL PROGRAM

> "The Partnership School concept provides for elementary-aged children from white and non-white schools to come together in an integrated resource center for 60% of their time and to participate in a comprehensive curriculum 100% of the time. The educational program is fully coordinated between home schools and the resource center. School is thus defined not as a single building, but as the integrated program which provides learning experiences for children."

The Concept

The Boston Model City Administration and the Boston School Department have been working over the past year to develop plans for implementing a demonstration of the partnership concept. In this demonstration, children from a predominantly white school and children from a predominantly black school would join each other three days a week in classroom space located in one of the city's major cultural institutions. The resources of these museums and art centers would form an important part of the curriculum for these children.

While de-emphasizing the importance of the "schoolhouse", the partnership program attempts to accomplish a re-organization of learning through quite specific attention to planning for a variety of learning centers, each with its own specialty. First among these is the community school, with its strong local identity and its ability to address itself to specific individual and community concerns. Next are the series of resource centers which include specialized materials and staff not usually available to individual schools. The new program approach calls for a restructuring of the elementary curriculum in order to utilize the broad and varied resources available in public and private institutions in Boston in a program which integrates home school and resource center learning.

The goal of the partnership demonstration is to provide truly integrated education, where children of various ethnic groups interact through common learning experiences, where differences in values and assumptions are recognized and appreciated, where cultural awareness and ethnic diversity are fostered, where each child's self-identity is developed in a program whose culture is truly urban, i.e. multi-cultural, multi-ethnic, multi-racial.

Background

In 1965, the Commonwealth of Massachusetts enacted the Racial Imbalance Act (Ch. 641), mandating the elimination of racial segregation in the public schools of the state. The law requires each public school system to carry out a racial census each year and, where imbalance is found, "to prepare a plan to eliminate such racial imbalance." Racial imbalance exists "when the percent of non-white students in any public school is in excess of fifty percent of the total number of students in such school." The state has the power to withhold state aid and funds for school construction if a school committee "does not show progress within a reasonable time in eliminating racial imbalance in its schools." At the same time, the "School Building Assistance Commission shall increase the amount of grants for schoolhouse construction to sixty-five percent of the approved cost (rather than 40%), whenever the Board of Education is satisfied that the construction or enlargement of a schoolhouse is for the purpose of reducing or eliminating racial imbalance in the school system." "No school committee ... shall be required as part of its plan to transport any pupil to any school outside its jurisdiction or to any school outside the school district established for his neighborhood, if the parent or guardian of such pupil files written objection thereto with such school committee."

The problem facing Boston schools is typical of many northern cities which have concentrations of black or Spanish-speaking people in residential areas, resulting in de facto school segregation. The efforts to comply with the Racial Imbalance Act have focused primarily on two approaches: the building of new schools which would be racially balanced and would decrease imbalance in existing schools; and on an open enrollment policy, designed to allow black students to enroll in schools in predominantly white areas. New school construction has been approved under three concepts: over-built schools in white areas; magnet schools in black areas to attract white enrollment; and fringe area schools built on borders of black and white neighborhoods. Not all of these schools have been completed, but predictions are that planned fringe area schools may not be balanced when they open due to changed neighborhood composition. And despite these efforts, the number of imbalanced schools has increased from 46 in 1965 to 64 now.

Thus the Boston School Department has been wrestling with the problems of racial isolation in a northern urban area for over five years, and the effort expended has not been adequate to prevent increasing racial isolation. The city's minority population is expanding; a new kind of answer must be found. It is in this context that the partnership concept is being proposed as a fourth mechanism by which schools might be built under the law and as a program approach to northern school integration.

It is in this context also that the need for legislation such as the "Emergency School Aid Act of 1971" is apparant. Boston is not unique as a northern city whose minority children are increasingly isolated in public schools. The "Emergency School Aid Act of 1971" makes it possible for urban school systems, stretched to their fiscal limits in dealing with a variety of urban educational problems, to

1. meet special needs incident to the elimination of racial isolation arising from *de facto* housing segregation,
2. to aid children in overcoming educational disadvantages of racial isolation, and
3. to promote the development of new instructional techniques and materials and innovative interracial educational programs in order to eliminate racial isolation.

This legislation encourages urban school systems to develop truly urban schools and provides the badly needed economic assistance without which a school system, despite its good intent and continued efforts, sees a steady increase in the number of racially isolated children.

The Partnership As An Integration Model

Most arguments in favor of racial integration cite studies indicating that integration improves the education of all children, black and white. Most people, at least in Northern American cities, are willing to say that integration is eminently desirable. However, only a few parents (white or black) find integration sufficiently attractive to put their children on cross-town busses in order to obtain the benefits that integration offers. This is so largely because in all too few cases are the parents able to see a clear educational advantage in the integrated situation -- a dramatic educational difference that would warrent sending their children out of district to go to school. The partnership concept offers just such a dramatic advantage.

As an approach to integration, the partnership concept does not rely on static neighborhood composition; even as neighborhoods change, children are assured an integrated educational experience. It does not rely on bussing children outside of their communities for schooling; rather a strong community identity is fostered in the home school, with resource centers becoming more neutral meeting grounds for children from various communities. The partnership does not define integration simply as the physical presence of children from different ethnic groups in the same classroom; it posits a shared educational adventure, shared experiences in an education program which consciously seeks to foster the value of ethnic diversity. Although for Boston, it is designed as a part of a construction program, it does not have to rely on new school buildings to achieve integration; the program becomes the means for integration and can be used in old school buildings as well as new.

These aspects of the kind of racial balancing which the partnership allows make the partnership concept more widely applicable in Boston than other mechanisms developed so far. In addition, the concept can be a model for other heterogenous urban areas, both in the use of a big city, with all its wealth of the stuff of human culture and cultures, as a classroom for elementary age children, and as a model for ending urban racial isolation.

The demonstration of the partnership program is planned for implementation in Boston during the next school year. It is one example of the kinds of programs, with broad possibilities for application, which are looking to the passage of the "Emergency School Aid Act of 1971" for funding aid.

Mr. CLINCHY. As far as I can tell, this program might be supported under either of the two bills, but I am not sure of that. For instance, both bills provide funds for minor alterations of school buildings. We want to be able to create pieces of the school system at museums, cultural centers, the aquarium, et cetera, none of which at the present time is a public "school building." Nor am I sure that the kind of 60 percent integration that we propose would be acceptable.

My basic points, then, are these:

(1) True quality integrated education must include both cities and the suburbs, and thus metropolitan planning.

(2) There has to be a comprehensive plan for each district, and there has to be money for such planning.

(3) No plan for integration is going to work unless it is educationally attractive to parents and children. This means large-scale changes in education itself, changes insisted upon and made possible through this legislation.

(4) The final bill should be written in such a way that it not only permits, but actually encourages, the exploration of quite new and different approaches of solving the problem of racial isolation of minority groups and whites, wherever that happens to exist.

Senator PELL. Thank you very much.

As I understand the earlier portion of your statement, you are a strong supporter of the Coleman report, that white children are disadvantaged unless they experience some exposure to disadvantaged or black children.

Mr. CLINCHY. Insofar as schooling goes, I think they are equally, and in some sense more, disadvantaged.

Senator PELL. You feel the kind of proposal you are talking about, using parochial schools as being the building in which they occur, could not be financed under either bill?

Mr. CLINCHY. I don't think so. I am not sure.

Senator PELL. I thought what you said is that the 3 days a week would be integrated not necessarily in regular school buildings?

Mr. CLINCHY. No; they would be in museums and the zoo and any kind of cultural institutions.

Senator PELL. I think money for this could come out of this bill, could it not?

Mr. CLINCHY. I think both bills at the moment say school buildings.

Senator PELL. You are corect in that.

Senator Mondale.

Senator MONDALE. There is a newspaper story that in Memphis, Tenn., we funded a $15,000 mobile zoo, that the children gained integrated experience by holding a speckled King snake, and the school system thought that was well worth the money. I have some problems with this "visit to the zoo together" stuff. The Civil Rights Commission quoted a kid saying, which makes sense to me—"Visiting the zoo together is great, they get to see the animals and me."

Do people really live together? Or do they join occasionally to see the birds and animals?

Mr. CLINCHY. No; what we are talking about here is that we really make these institutions, which now operate quite separately from almost everybody, to really make them part of the educational system and the program for these kids would be a complete educational experience that would take place in just a variety of different places.

But the kids would always be together. They would always be considered part of a single school. Both whites and blacks in Boston, at least, feel very disturbed about kids not having some kind of relationship with their local community.

Senator MONDALE. In other words, you believe in a neighborhood school, you could live with that, but then you would try to program experiences during the week when children from different neighborhoods and different races would be together somewhere else?

Mr. CLINCHY. Yes; they would be continually meeting together.

Senator MONDALE. And 40 percent of the time they would live in their neighborhoods and 60 percent of the time they would be elsewhere?

Mr. CLINCHY. Yes.

Senator MONDALE. Do you know of any instances where this has been tried to any substantial scale?

Mr. CLINCHY. No; it is a true innovation.

Senator MONDALE. Well, here is what the kid said, "It was nice of them to come down to the zoo to see us."

Mr. CLINCHY. Yes; he was interpreting himself as the zoo.

Senator MONDALE. Well, thank you very much.

Senator PELL. It is an innovative idea. I am startled that it has never been tried in any of our educational systems around the country.

Mr. CLINCHY. Well, there are instances like in Cleveland where children come from all over the city to attend different locations, but that is usually twice a year and I presume it is properly integrated.

We are proposing this be the education of these kids and that a large part of the educational process in that sense be devoted to how you live together and what your city is like and how can you make it better.

(Further information subsequently supplied by Dr. Clinchy follows:)

DRAFT

PROPOSAL

To Fund

THE PARTNERSHIP DEMONSTRATION PROGRAM

prepared by:

Staff of the Model City Administration
in consultation with

Staff of the Boston School Department

and
Educational Planning Associates
Circle Associates

This document is a draft porposal to fund a three-year demonstration of the partnership concept, originally proposed by the Model City Administration. It has been prepared by staff of the Model City Administration in consultation with the Boston School Department and with consultant advice from Educational Planning Associates and Circle Associates.

Its purpose is to elicit comment, discussion, suggestions and potential funding commitments. A final version will be submitted to the Boston School Committee and to funding sources.

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INTRODUCTION

The concept of a "partnership program" is a relatively simple one with broad possibilities for application and vast ramifications for educational quality. It has particular relevance for urban schools. The concept is based on the premise that the isolation of children, teachers and administrators in one school building is outdated by our present mobility and by the presence of a wealth of resources available within a few square miles in the city. Excellent schools like the Monroe Trotter* use such resources frequently, but in too many of our schools, the intellectual and emotional growth of children is stunted by their isolation and the consequences of that isolation. The partnership concept is based on the requirement that a new educational structure be found, for the cities especially, in which problems such as lack of funds and outdated school buildings can be resolved (by using existing space throughout the city, constructing multi-use buildings etc.), leaving educators free to create exciting learning environments in terms of adults, materials and experiences.

The core of the partnership concept is the improvement of education for the children of the City of Boston through the formation of alliances between the Boston School Department and other institutions and agencies which have educational resources which must be made available to children. Alliances will also be formed between two or more different schools, bringing greater resources to bear on the educational process. "School" is thus defined, not as a particular building, but as the experiences by which and through which children develop and learn. The formation of partnerships of this kind will lead to a fresh approach to the problems of education, to new ways of making curriculum meet inherent needs children have to explore and learn, to new and better ways of training and supporting teachers.

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*A new school opened in September, 1969. The building is designed to support the school's new curriculum and teaching patterns.

Background.

In 1965, the Commonwealth of Massachusetts enacted the Racial Imbalance Act (Ch. 641), mandating the elimination of racial segregation in the public schools of the state. The law requires each public school system to carry out a racial census each year and, where imbalance is found, "to prepare a plan to eliminate such racial imbalance." Racial imbalance exists "when the percent of non-white students in any public school is in excess of fifty percent of the total number of students in such school." The state has the power to withhold state aid and funds for school construction if a school committee "does not show progress within a reasonable time in eliminating racial imbalance in its schools." At the same time, the "School Building Assistance Commission shall increase the amount of grants for schoolhouse construction to sixty-five percent of the approved cost (rather than 40%), whenever the Board of Education is satisfied that the construction or enlargement of a schoolhouse is for the purpose of reducing or eliminating racial imbalance in the school system." "No school committee or regional school district committee shall be required as part of its plan to transport any pupil to any school outside its jurisdiction or to any school outside the school district established for his neighborhood, if the parent or guardian of such pupil files written objection thereto with such school committee."

The problem facing Boston schools is typical of many northern cities which have concentrations of black or

Spanish-speaking people in residential areas, resulting in de facto school segregation. The efforts to comply with the Racial Imbalance Act have focused primarily on two approaches: the building of new schools which would be racially balanced and would decrease imbalance in existing schools; and on an open enrollment policy, designed to allow black students to enroll in schools in predominantly white areas. New school construction has been approved under three concepts: overbuilt schools in white areas; magnet schools; and fringe area schools on borders of black and white neighborhoods. Not all of the schools have been completed, but predictions are that planned fringe area schools may not be balanced when they open, due to changed neighborhood composition. And despite these efforts, the number of imbalanced schools has increased from 46 in 1965 to 64 now.

It was in this context that the partnership plan was developed as another means for Boston to comply with the law. Equally important was a desire to find new approaches to continuing problems of urban education.

In January of 1969, the State Racial Imbalance Task Force authorized the Model City Administration and the Education Committee of the Model Neighborhood Board, Inc., to draft an Alternate Plan toward the elimination of Racial Imbalance in the Boston Public Schools, specifically to provide solutions for elementary and middle schools in the Model Neighborhood area. The Model City Administration is a separate department of the City of Boston whose purpose is to initiate a process of institutional change and devise improved service delivery systems for the Model Neighborhood area.

During the following year, staff of the Model City Administration in cooperation with residents of the Model Neighborhood area and School Department personnel developed the partnership school idea, culminating in the publication of "A Plan for Educational Programs and New Schools in the Model City Area" in January of 1970. The "Plan..." proposes integrating schools in Boston through the development of partnership programs and new school construction. Since that time, the staff from Model Cities and the School Department have continued to work together to develop the initial ideas and plan a demonstration of the concept. The Model Neighborhood Board has endorsed the idea upon recommendation of its Education Committee. The concept has been approved by the State Board of Education, permitting submission by the Boston School Department of a Racial Imbalance Plan which includes schools to be built as partnership schools. The Boston School Committee has also approved the concept, clearing the way for the implementation of a partnership demonstration program.

Partnership Implications and Purposes.

The Boston School Department, under the partnership program, might form alliances with such institutions as The Children's Museum, the Elma Lewis School of Fine Arts, the New England Acquarium, the Museum of Science, the Museum of Fine Arts, the Boston Zoo -- with children from different schools coming together in classroom space located at these institutions. Whether the differences between two schools is one of race (the Dudley School and the E. Greenwood School), economic status of families (the Dearborn School and the Hamilton School) or of administrative responsibility (the Dickerman School and St. Patrick's School), the coming together of these children in a resource center for part of their educational experiences broadens the contact with resources each child needs for his individual and social growth. In the case of schools of different ethnic makeup, a significant portion of a school year could be spent in resource center classrooms to permit both white and black children to have an integrated education. If a partnership were formed between a parochial and a public school, the benefits might include an easier transition from the traditional isolation of two major educational institutions in Boston.

In the long run, the partnership program seeks nothing less ambitious than changing the conception of what schooling is and how it should be done. It has three broad purposes:

1. to refocus the nature of classroom experience in light of all that we know about learning,

2. to provide an impetus for implementing a new program approach to quality education, and
3. to develop a model for public school education in heterogenous urban areas.

The first purpose is to refocus the nature of classroom experience so that it may be consistent with all that we know about the intellectual and emotional development of children, providing a rich environment of resources as stimulation for the natural learning process. This purpose is based on a belief that the ways children are taught must be based on the ways children learn. Too often in our classrooms the reverse is true. A genuine revolution has taken place among psychologists over the past ten years or so in this country in their views on intellectual development. One of the authors of this psychological revolution is Jean Piaget. One of his basic ideas, shared by other cognitive psychologists, is that cognition (encompassing all perceiving, remembering and thinking) is constructive activity, not a passive receiving of information. Important concepts are neither innate or inborn, nor are they simply handed to us by the environment. Rather, we construct these concepts on the basis both of the capacity we have developed and of the experiences we have had.

Educators and teachers often assume that if a child is shown something or if something is explained clearly to him, he will understand it. This is not so. If the child lacks the cognitive structures for assimilating the information, he will fail to take it in or understand it. In order to develop concepts into which information can be assimilated, a child needs a classroom environment which is rich in objects and materials and other people with which he can interact and through which he can develop concepts and skills.

The second purpose relates to the school system as a whole and provides an impetus for implementing a new program approach to quality education, a model for integrating imbalanced schools and a new potential for continued professional development of educators.

New Program Approach: While de-emphasizing the importance of the "schoolhouse", the partnership program attempts to accomplish a re-organization of learning through quite specific attention to planning for a variety of learning centers, each with its own specialty. First among these is the community school, with its strong local identity and its ability to address itself to specific individual and community concerns. With local schools able to take on a stronger community identity without the dangers of limited parochialism, parents should have a greater role in participating in and supporting the activities of the school and can be educated about their potential role in their children's education. Students will have an effectively functioning home base from which to explore an ever broadening sphere of knowledge and experiences and in which to integrate this learning with home and community values.

Next are the series of resource centers which include specialized materials and people not usually available to individual schools. A system which allows a child to make choices about the kinds of things he wants to study and the length of time he wants to spend in each area -- and then makes those resources available to him on an unprecedented scale is one of the long range goals of the new program approach. For the participating public and private institutions which become resource centers, an increased use of facilities and collections, and thereby a much larger base of support is one of the immediate advantages. Many of these institutions have been seeking a more direct and specific educational role. A broader, less immediate, advantage is the breaking down of bureaucratic institutional isolation which plagues both public and private endeavors and threatens both efficient service delivery and creative planning.

The new program approach calls for a restructuring of the elementary curriculum in order to utilize the broad and varied resources available in public and private institutions in Boston in a program which integrates home school and resource center learning.

Integration Model: Most arguments in favor of racial integration cite studies indicating that integration improves the education of all children concerned, black and white. Most people, at least in Northern American cities, are willing to say that integration is eminently desirable. However, while everyone is for integration, only a few parents (white or black) find integration sufficiently attractive to put their children on cross-town busses in order to obtain the benefits that integration offers. This is so largely because in all too few cases are the parents able to see a clear educational advantage in the integrated situation -- a dramatic educational difference that would warrent sending their children across the city to go to school. The partnership concept offers just such a dramatic advantage. As an approach to integration, the partnership concept does not rely on static neighborhood composition; even as neighborhoods change, children are assured an integrated educational experience. It does not rely on bussing children outside of their communities for schooling; rather a strong community identity is fostered in the home school, with resource centers becoming more neutral meeting grounds for children from various communities. The partnership does not define integration as the physical presence of children from different ethnic groups in the same program; it posits a shared educational adventure, shared experiences in an educational program which consciously seeks to foster the value of ethnic diversity. Although for Boston, is it designed as a part of a construction program, it does not have to rely on new school buildings to achieve integration; the program becomes the means for integration and can be used in old school buildings as well as new. These aspects of the kind of racial balancing which the partnership allows make the partnership concept more widely applicable in Boston than other mechanisms developed so far. It will allow the construction of badly needed new school facilities in the black neighborhoods of Boston.

Professional Development: The partnership program offers unique possibilities for the professional development of both new and experienced teachers, making possible a greater professional differentiation in teaching roles and levels, and rewarding educators at a level commensurate with performance and skills. The factors enabling staff to function well include not only the personal confidence and ability of the teacher or administrator, but also his or her working environment: the ability to feel comfortable about what is to be done and the ability to carry out what his best professional judgment calls for. Negative expectations are created as a result of discouragement, fear and disappointment about one's work, and one of the most important things the partnership program can do is to create a structure which maximizes the chance for teachers and administrators (and therefore students) to lose their negative expectations and expand their positive ones. Availability of unique resources, their structuring as part of a developmental program and work with fellow teachers on a team will challenge teachers to use their talents to the fullest.

A third broad purpose of the partnership program is to develop a model for public school education in heterogenous urban areas which places the physical and political problems of integration in their proper context: the development of positive relationships among diverse groups and the broadest possible appreciation of human individuality. The partnership concept also provides a model for the use of a big city, with all its wealth of the stuff of human culture and cultures, as a classroom for elementary age children. In this model, expandable in concept for all ages, we take the responsibility to provide positive examples for other large urban areas seriously as we observe the nation facing enormous needs to improve its educational productivity.

These broad purposes are discussed in more detail in the pages that follow which describe a demonstration of the partnership concept.

THE DEMONSTRATION PROGRAM

This proposal, developed by staff of the Boston School Department and Model City Administration describes the demonstration participants and logistics, the goal of intellectual and emotional development of children, the use of resource centers, staffing patterns, staff and curriculum development and demonstration evaluation. Separate sections outline renovations needed at the proposed resource center sites and detail the funding requirements for the project. The proposed demonstration program will be under the general supervision and control of the Boston School Committee, assisted by the Model City Administration and other institutions.

Demonstration Participants and Logistics.

The demonstration will accommodate 200-240 children, grades 1 through 5, half from a predominantly black school or school district and half from a predominantly white school or school district. Specific schools will be selected on the basis of the following criteria:

1. support from the assistant superintendent of the district
2. support from the principal
3. probability of a number of teachers who would want to participate in the program
4. sufficient number of children at each grade level to participate in the program and leave a comparably sized control group remaining in the school or district.

5. probability of organized parent support
6. absence of other experimental programs in the school with which the partnership might conflict

Children in the participating schools will be selected on a first come, first serve basis from among those whose parents want them to participate in the program. The approximately 120 children at each school will be grouped into four class units, two at the primary level (approximately 12 six-year olds, 12 seven year olds and 6 eight year olds each) and two at the elementary level (6 eight year olds, 12 nine year olds and 12 ten year olds each). Each of these classes will have a regular Boston Public School teacher and a parent aide with them at all times and will spend two days a week in their home school classrooms. Three days a week each classroom, with its teacher and aide, will be transported to a resource center by a small, classroom size bus. Children will go to their home school each morning; on the days in which they go to the resource centers, busses will pick them up at their school and return them there at the end of the school day. Transportation for the demonstration will be funded by the State Department of Education.

The primary class units from both schools will go to the Elma Lewis School of Fine Arts Resource Center; the elementary units, to the Children's Museum Resource Center. At the resource center each classroom unit from the predominantly black school will join a classroom unit from the predominantly white school, forming an integrated double classroom module. The two teachers and two aides will be joined by a teacher from the resource center. This team of five will be primarily responsible for the specific educational program of the 60-children module.

Intellectual and Emotional Development of Children.

The broad educational goals of the partnership demonstration are:

1. to encourage the development of children who are increasingly responsible for their own education.
2. to foster a child's ability to make choices.
3. to promote the development of conceptualization and of basic skills in reading, computing and oral and written self-expression which are prerequisite to continued learning.
4. to develop a sense of cultural relativity and an appreciation for ethnic and cultural diversity while strengthening positive self-identification.
5. to reverse, for children of low socio-economic status, the prevelant low expectations and their consequences; to foster positive self-expectation in all children.
6. to allow children to feel and to exercise real control over their own destinies, both in the classroom and outside of it.

Piaget makes a distinction between "learning" and "development." When a child is taught the multiplication tables or the capital cities of the U.S., he learns, but he does not necessarily develop. "Learning" means the acquisition of new information or habits. "Development" refers to the growth of intelligence. Knowing the capital of New York does not make a person more intelligent. Acquiring conservation of number does, for it makes it possible for the child to go on to grasp further mathematical ideas. It is a concept that is highly generalizable, applicable across a wide range of situations. Without conservation of number, a child cannot really even understand addition and subtraction.

There are a number of important differences between learning and development. Learning can take place in an instant, but development takes time. No one achieves conservation of number in one sudden insight; it comes, instead, as the result of a long series of experiences involving the child's repeated actions upon objects in the environment. The idea of conservation of number is abstracted from many such experiences, involving different sorts of objects arranged in many different ways. No specific single experience is either necessary or sufficient to teach the concept. In fact, the concept is not "taught" at all in the usual sense. It is learned or "constructed" on the basis of many active encounters with the environment. While in a sense it is "quicker" to learn things in a passive, non-developmental fashion, it is also much quicker and easier to forget them. Once a concept has been acquired in a developmental fashion, it is rarely forgotten. It becomes part of the fabric of our thinking. We use it repeatedly, and we build upon it to develop more complex ideas and ways of thinking.

An educational process which emphasizes learning without regard to development can be harmful to the growth of intelligence. And, in so far as the inappropriate schooling confuses, discourages and frightens children, it will also tend actively to slow down or actually retard their intellectual growth. The central idea of the partnership program then is that a major purpose of schooling is to facilitate the development of intelligence; promoting specific learning is a subsidiary aim.

The educational program of the partnership demonstration will use procedures which are appropriate to intellectual development. Children will be given full opportunity to develop the underlying structures before being asked to acquire or label a concept. What we are trying to avoid is the attempt to teach concepts solely by means of verbal exposition. Words (labels) are often more useful after the child has a concept than as a means of teaching the concept.

In every possible case, the attempt would be made to encourage children to operate on the basis of intrinsic motives rather than extrinsic rewards. Children and their intelligence cannot help developing in some form; the child seeks out experiences that further his evolving understanding. A process of schooling that is "courteous," that attempts to follow, assist and provide challenges for this developmental initiative within children is a process the partnership will follow.

The demonstration seeks to develop basic skills of reasoning and logical thinking. These skills need not be learned in any particular context and are appropriate in many different contexts. The skills of concrete operations cut across, include and are appropriate to all arbitrary subject areas and should be thought of and built into the educational process without the intrusion of obsolete categories. The educational process of the demonstration will be built on an understanding of the growth of "schemes" and operational skills in children. It seeks to nourish and challenge the growth of reasoning and thinking. Intelligence grows best in an atmosphere where thinking and its development are encouraged. Intelligence refers to what a person can do, not what he knows; and the growth of intelligence involves the amplification of intellectual power, not the posession of more information.

These ideas form the basis for an open learning educational program. The change from a traditional learning environment to an open learning environment will require some substantial changes in the teacher-child relationship as well as in the classroom environment of materials and activities. In the more traditional classrooms, the teacher is the authority figure; he functions primarily as the giver of information and verifier of facts. Emphasis is on the acquisition of a certain prescribed amount of knowledge by all members of the class. In an open learning classroom there is an open dialogue between the teacher and children. The learning experience of each child is self-directed and unique on the premise that no set body of knowledge exists which all children must learn, and that the developmental process can only be aided by teachers.

Like subject matter, children cannot be compartmentalized. Emotional development must also receive attention. Emotional growth of children comes through learning to deal effectively with objects and events and through positive relationships with other people, peers and adults. The non-graded classroom structure suggested for the partnership program provides flexibility for individualized learning; in addition, it sets up the condition where children can teach other children, a situation in which children learn rapidly and naturally.

One of the challenges facing urban schools today is to prepare students to live in a world which is racially and culturally diverse. In order to do this, schools must begin to increase a student's repertoire of experiences and interaction with all people. The demonstration will seek to do this on two levels: on the level of personal interaction as students, teachers and parents from white and black schools join to form a new unit at the resource center and secondly, through a cultural pluralistic curriculum. Black and white children attending the same school is not necessarily integration. The goal of the partnership demonstration is to provide truly integrated education, where children of various ethnic groups interact through common learning experiences, where differences in values and assumptions are recognized and appreciated, where cultural awareness and ethnic diversity are fostered, where each child's self-identity is developed in a program whose culture is truly urban, i.e. multi-cultural, multi-ethnic, multi-racial.

Use of Resource Centers.

The uniqueness of the partnership lies in the use of the resource centers as the core of the total educational experience. The time spent at resource centers is not to be viewed as a field trip, but is intimately related to the ideas of intellectual and emotional development described earlier.

Development as opposed to learning requires an extraordinarily rich environment, rich not necessarily in the sense of money, but rich in the sense of options, many different kinds of things for children to explore and work with. These options can and should come in many forms and can be drawn from many different fields. Books, animals, pendulums, paints and easels, games of all kinds, Cuisenaire rods, math blocks, crayons, water and sand tables, old coffee cans, musical instruments, cloth etc. -- these are the kinds of things we see as being available in the home schools. But the resource centers will vastly extend the richness beyond anything duplicatable in any classroom or school in the world. No school could ever hope to have available the musical instruments, the stages and dance studios, the costume making equipment as well as the trained staff that is ready made at the Elma Lewis School of Fine

Arts. No school could possibly equal the Workshop of Things and its carpentry shop, the Discovery Boxes and Match Boxes, and the collections of genuine artifacts that are available at the Children's Museum. We have only begun to explore the richness each of these institutions offers children. The subject areas children explore at these resource centers might be labeled by a casual observer as physics, math, music, social studies or whatever. It makes little difference to the child or to anyone else, since the aim is the development of operations and the subsequent acquisition of generalized skills such as the ability to comprehend and manipulate symbolic systems, i.e., the written word, mathematics, musical notation, etc., and eventually such higher level formal operations as scientific method, symbolic logic, and artistic conceptual systems.)

In general, the objectives for use of resources in the partnership program would include:

1. a selection of resources which are best able to foster development in children.
2. selection of a wide variety of materials to meet individual interests and abilities.
3. use of resources in such a way as to encourage self-direction by children of their learning process.
4. the use of a variety of resources over the several locations where children will learn.
5. the ability of human resources (teachers, resource center people) to be available and responsive as they are needed by individual children for specific questions and individual guidance.

Elma Lewis School: Children attending the Elma Lewis School will not be limited to music, art, and dance. Rather, the arts will form the medium, the rich environment, through which they will be acquiring concrete operations. They will be learning how to read by reading, writing and putting on plays and through making their own books with typewriters and printing presses. They will "study" science and math through learning about musical instruments, playing music, developing musical notation, learning dance steps, making costumes. Social studies will be learned through the content of their plays and dances.

Unusual characteristics of the building where the school is housed make it adaptable to a program of an academic school based on the arts. The dance studios have new, hardwood floors, exercise bars and mirrors. The costume workshop has at least ten sewing machines available for projects. One art room is equipped with a kiln. Music rooms have electric pianos equipped with earphones to allow six children to be taught at the same time. The auditorium has a fully equipped proscenium stage where programs can be presented and experimental theater projects can be done. A short walk away is Franklin Park, where picnics, hikes and outdoor games might take place.

The entire Elma Lewis School building will be available for use by the partnership school program. The space can be roughly divided into specialized areas and multi-use areas. The specialized spaces such as the dance studios, art rooms, music rooms and costume workshop should remain specialized as such. The more general spaces such as the library, auditorium and planned cafeteria can be used for a variety of activities. The library and cafeteria space can be carpeted and provided with seating and writing surfaces for quieter activities such as reading, writing, math games and puzzles. The present teachers' lounge can be refinished to serve the partnership demonstration staff.

Children's Museum: At the Children's Museum, the general framework is more likely to be man as a social and scientific animal, how we have managed and still manage to cope with ourselves as people, how we have developed social, psychological and technological methods for surviving in both simple and complex human societies. Mathematics, science, art, music and social studies are all an obvious part of human cultural history. The Museum's instructional resources include dozens of exhibits and informal Discoveries, a Japanese tea house, an Algonquin wigwam used as a setting for group programs, 650 circulating kits and a reference collection of several hundred kits, and 4,000 books, recordings, films, catalogues and bound periodicals. Backing these up as the raw material for development work, are more than 35,000 plant, animal and mineral specimens and 20,000 ethnological artifacts. The exhibits at the Visitor Center include How Movies Move, Weights and Balances, Teeth, Grandmother's Attic, the Algonquin Wigwam, Oversize, Microscopes and Kaleidoscopes as well as changing exhibits with topics such as art media, weaving and rag tapestry, musical sounds or paper structures.

MATCH Units (Materials and Activities for Teachers and CHildren) are based on the idea that much of what we would like children to learn is essentially non-verbal; it is mediated instead through things and through what the learner does. The materials in each unit consist primarily of real objects combined with films and projectors, pictures, recordings, models, maps and books. They have been designed as a series of interrelated learning experiences on a particular topic for a class of 30 children to use for two or three weeks.

The space to be used as the main locus for the partnership program in the Children's Museum is a separate three-story building now used as the Children's Museum Annex. Space in the Annex will be zoned according to the kinds of activities to occur there. There will be a range from quiet to noisy activity and a range from individual to large group projects. Much of the space will be fairly open so various kinds of projects can be in process at the same time.

Other activity areas in the Children's Museum which could be used by the partnership program are located in the main Museum buildings. The Visitor Center, where projects and exhibits are on display to the general public, would serve as a general research center. The "What Shop" in the main building provides hand tools and space to work on simple carpentry projects. The Museum's warehouse would be available to children when they wanted to make use of the Museum's collections and special objects. In addition, the Museum staff would offer expert aid and advice on certain projects; and this might involve children working in the messy paint spray room, the darkroom, the Museum's carpentry shop or the main exhibit area. For larger group activities, a 70-seat theater is available in the Visitor Center when not being used for the general public.

There is considerable accessible outdoor space for games and projects located in the Children's Museum parking lot and around the Visitor Center. In addition, the Museum is located across the street from Jamaica Pond Park which affords accessibility to picnic, sailing, hiking and outdoor game space.

But educational life in the resource centers is only part of the partnership. Two days a week the children and their teachers will be back at the home schools (with visits and assistance from the resource center people). The program at the home schools must also be one rich in resources. The specialty of the home schools is their proximity and intimacy with the communities from which the children come. This richness must be mined in the same sense that the richness of the resource centers is mined. The teaching team (home school teachers, resource center teachers and aides) will be conducting a single program, integrated among locations, based upon developing the intelligence of children.

Staffing Patterns.

Staff for the demonstration will be selected from a volunteer group. Very generally it is hoped that every participant: 1. respects children;

2. is open-minded and not resistant to change;
3. is honest with himself and with others (especially children, who are quick to sense insecurities and insincerities);
4. is sensitive or willing to become sensitized to different cultures, attitudes, values and mores that affect the education of children.

Since the heart of the educational process is found in the skill, dedication and personality of the teacher, he must possess or be willing to develop in addition to the above, the following characteristics: enthusiasm; creativity and imagination; flexibility; a sense of humor; shock proofing; ability to work and communicate with all groups; positivism; firmness; and awareness of the circumstances affecting his students.

As suggested by its name, the partnership school program requires the cooperation and joint participation of teachers, parent aides and museum staff in the process of aiding the development of children. We believe these three groups can work together as a team, each bringing to the team a certain expertise that complements the skills of others and broadens resources for the educational program. In addition, we believe that the team teaching approach will create mutual trust, understanding and respect. Our objectives then for the team teaching approach are:

1. to expose participants to different points of view about the education of children and to foster exchange of ideas, both personal and professional, about attitudes, goals and values that affect the education of children. Through discourse and group activities, the hope is that each group will recognize that its philosophy and approach need not be exclusive, and therefore, no group should be threatened by the other perspectives.
2. to establish mutual trust and respect among participants and thereby avoid the creation of hierarchies and stereotypes in the program.
3. to involve actively each group in the educational process so that each feels it has made an important contribution to shaping the education of children.
4. to formulate an effective planning and teaching unit to guide the development of children.

Goals related to the use of classroom aides in the partnership program include the following:

1. recruitment and selection of individuals from the communities in which children live who are of the same ethnic group as the majority of children in each particular home school class unit.
2. individualized roles for each aide depending on his capabilities, the nature of the team of which he is a member, the character of the resource institution with which he works, the kind of relationship which he develops with the classroom teacher and with the children.

Teaching staff: Each class of 25-30 children will have a teacher and a community aide with them at all times and in all locations in which they are learning. The home school teacher will have volunteered to teach in the partnership program and will have been recommended by a committee comprised of the school principal, district superintendent, a parent representative and the partnership director. Joining the module at the resource center will be a third teacher. This teacher, based in the resource center, will be a part of the teaching team three days per week. During the other two days, she will prepare materials as directed by the team and participate in home classroom activities in the two home schools. A major responsibility of the home school teachers and aides will be to assure continuity of learning experiences for the children.

For every two to four modules (100-240 children) at a resource center a certain amount of back-up staff is needed. One of these positions is that of a secretary who will perform record keeping, scheduling and typing functions for the teams. A second need is for resource specialists whose roles will vary from one resource center to another. In each instance however, these positions will be filled by several people working a part of their time with the partnership program. At Elma Lewis' School there is a need for two such positions in order to utilize the specialized arts staff available; at the Children's Museum, the equivalent of one staff person would include a number of people who are expert in a particular craft or object collection. A three-fifths time program coordinator will be hired at each resource center who will be responsible for the general working of the program in relationship with the resource institution and will work closely with the program director to assure an educational program coordinated among its locations.

The five-member team, with back-up help from the resource center staff, will be responsible for the design of the complete educational program for the children who belong to that module. This curriculum development will be carried on in consultation with the principal of the home school, other School Department and partnership staff, curriculum specialists and parent advisory councils which will be formed around each resource center. Coordination between two teams in a resource center may be accomplished by joint meetings to exchange information and ideas. It will not be necessary, however, for two teams in the same resource center to follow the same program.

Administrative staff: Administrators should possess the following kinds of characteristics: competence in working with all people and respect for people of different cultures; the ability and willingness to promote understanding between pupils, teachers, parents and administrators; the ability to support staff objectives by recognizing and demonstrating his belief in the demanding nature of teaching, by encouraging teacher-parent consultation, by paying special attention to the morale of students and staff and by making available to teachers and parents those objective records which do not need professional interpretation.

The major goal to be met in the administration of the partnership demonstration is the creation of a model administrative pattern with the flexibility to assure success of the demonstration and to test the kind of pattern most appropriate to an expanded partnership program. Administrative policy must make it possible for the various institutions, parents and teaching staff to function as effectively as possible in their roles as educators. It will be important that the relationship of the administrative staff of the demonstration and the administrative staff of the home schools is cooperative, with avoidance as much as possible of overlapping functions and a clear deliniation of responsibilities.

It is hoped that home school principals will take an active part in the partnership demonstration. It should be clear, however, that these principals will have all their usual administrative functions to perform and will have responsibility for all the students and teachers at their schools who are not participating directly in the partnership program. In general then, the central administrative staff of the partnership should function for partnership participants as much as possible in lieu of the principal and staff of the home school. The demonstration requires therefore a degree of administrative redundancy which would not be necessary in an expanded program. It will be important to work out which administrative, statistical and other operations may be transferred directly to the demonstration staff, such as records usually kept in the home schools, parent conferences, report cards etc.

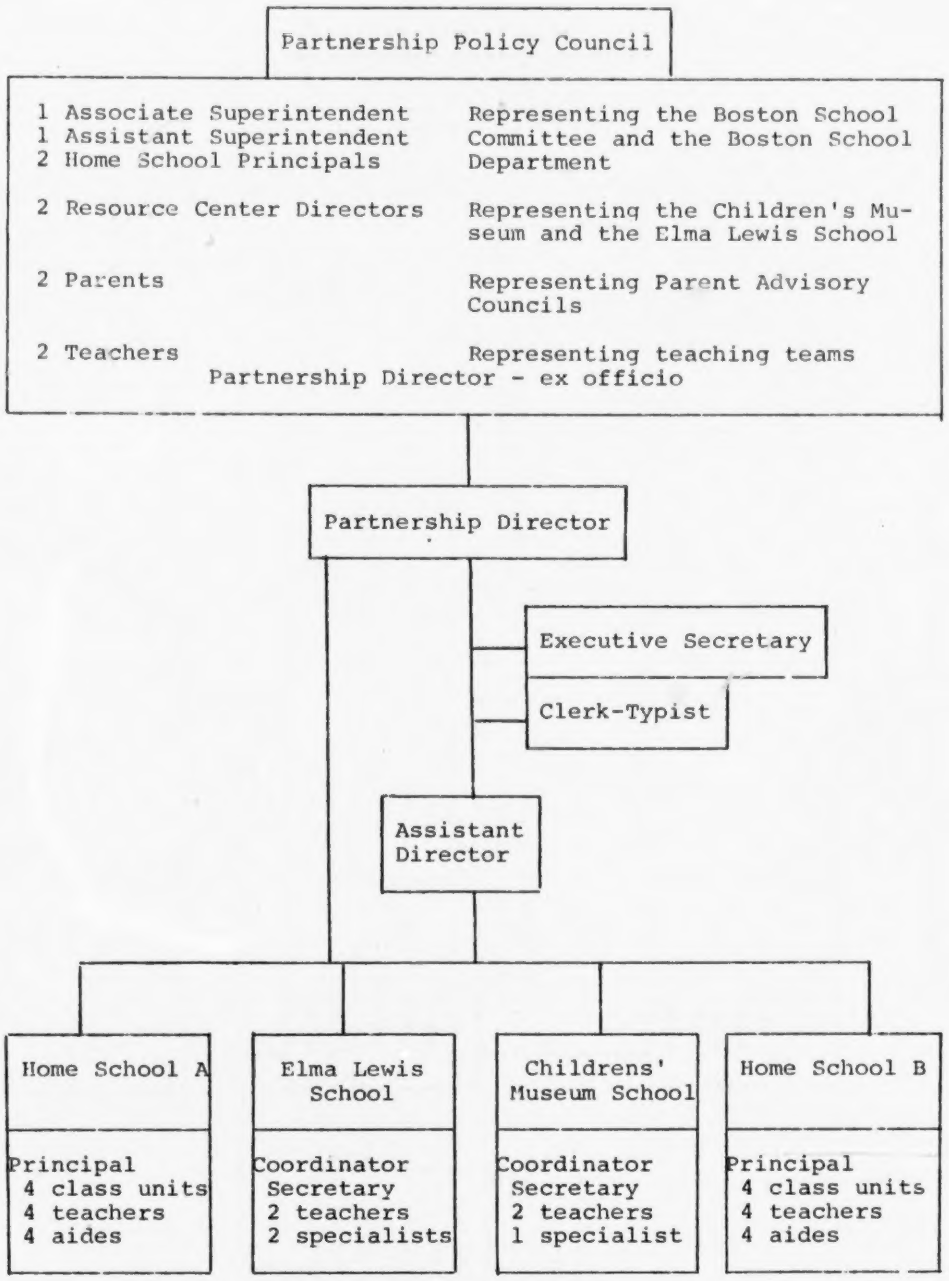
The demonstration project will be organized under the Boston School Department, and will, as such, be accountable to the School Committee. However, because it is experimental in nature and involves new educational alliances and programs, a separate administrative structure will be set up with two major purposes in mind. The first is to administer and evaluate the partnership demonstration, providing the best possible climate for exciting learning. The second is to test an administrative model for possible use in an extended partnership program. We presume that a quite different kind of educational structure will demand a quite different administrative structure.

The Partnership Policy Council is perhaps the key to the administrative model of the partnership demonstration. The role of the Council is to represent various interest groups in the determination of basic educational and administrative policies for the demonstration. Two goals are that it adequately represent each of the groups concerned with the success of the partnership and that it be effective in formulating policies for the demonstration. Membership should include an associate superintendent, the district superintendent of the home schools involved, principals of the home schools, directors of each of the resource centers, parent representatives from each of the resource center advisory councils and a teacher representative from each of the resource centers chosen by the teams at that center. The total number of Council members would be ten. These people represent various interest groups; they must respond to different constituencies and to somewhat different "authorities." Yet, they have a common concern in the education of children. The Partnership Policy Council is a mechanism which will preserve the integrity of each group while providing a means for them to function together. Each institutions's rights and responsibilities must be protected; yet, each institution must act in concert with those others who have responsibility for the success of the demonstration. Such a body can function largely in a task-oriented rather than a source-oriented frame of reference, making decisions (subject to the resources and commitments of the participants) which best apply to the program as a whole.

The Partnership Policy Council should have fiscal and general educational and administrative responsibility for the demonstration. It should meet regularly and receive reports from the administrative staff responsible to it. It must work out conflicting interests or policy concerns through a mechanism (perhaps veto power for each interest group) which protects the legal, business or ethical responsibilities of each group, i.e. School Department superintendents must still answer to the Superintendent and School Committee much as resource center directors must answer to policy boards or boards of trustees. The director of the demonstration should be an ex-officio member of the Council, advising it of progress and problems and taking direction from the Council.

Administration of the 200-240-student demonstration project will be headed by a full-time professional director, responsible solely to the Policy Council. He will be on the level of a school principal in both experience and salary although he may come from within or from outside of the school system. He will be responsible for the overall direction of the program and its official representative and liaison with all public and private groups involved with or interested in the project. He will direct and coordinate other staff and report directly to the Policy Council. He must be a public relations man in the best sense of that term and will be the one primarily responsible for evalua-

ADMINISTRATIVE MODEL - PARTNERSHIP PROGRAM

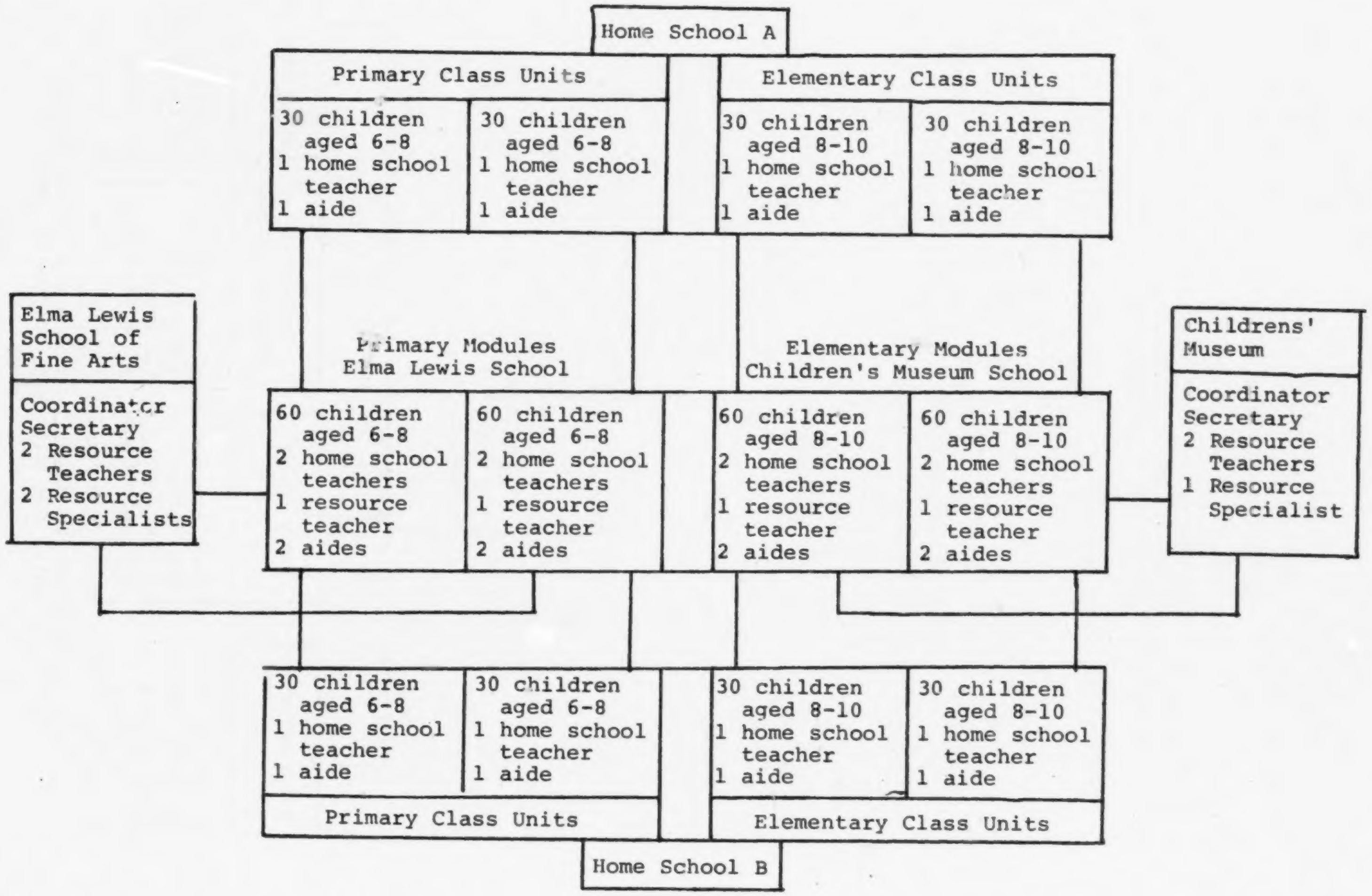

Partnership Policy Council
Partnership Director
Executive Secretary
Clerk-Typist
Assistant Director
Home School A
Principal
4 class units
4 teachers
4 aides
Elma Lewis School
Coordinator
Secretary
2 teachers
2 specialists
Childrens' Museum School
Coordinator
Secretary
2 teachers
1 specialist
Home School B
Principal
4 class units
4 teachers
4 aides

1 Associate Superintendent 1 Assistant Superintendent 2 Home School Principals	Representing the Boston School Committee and the Boston School Department
2 Resource Center Directors	Representing the Children's Museum and the Elma Lewis School
2 Parents	Representing Parent Advisory Councils
2 Teachers	Representing teaching teams

Partnership Director - ex officio

For relationships among home schools and resource center schools, see diagram, following page.

RELATIONSHIP OF HOME SCHOOLS AND RESOURCE CENTERS


Home School A
Primary Class Units
30 children aged 6-8
1 home school teacher
1 aide
30 children aged 6-8
1 home school teacher
1 aide
Elementary Class Units
30 children aged 8-10
1 home school teacher
1 aide
30 children aged 8-10
1 home school teacher
1 aide
Elma Lewis School of Fine Arts
Coordinator
Secretary
2 Resource Teachers
2 Resource Specialists
Primary Modules
Elma Lewis School
60 children aged 6-8
2 home school teachers
1 resource teacher
2 aides
60 children aged 6-8
2 home school teachers
1 resource teacher
2 aides
Elementary Modules
Children's Museum School
60 children aged 8-10
2 home school teachers
1 resource teacher
2 aides
60 children aged 8-10
2 home school teachers
1 resource teacher
2 aides
Childrens' Museum
Coordinator
Secretary
2 Resource Teachers
1 Resource Specialist
30 children aged 6-8
1 home school teacher
1 aide
30 children aged 6-8
1 home school teacher
1 aide
Primary Class Units
30 children aged 8-10
1 home school teacher
1 aide
30 children aged 8-10
1 home school teacher
1 aide
Elementary Class Units
Home School B

tion, for dissemination and for relationships with outside consultants and advisors. The director will work closely with the program coordinators at each resource center and will be in charge of writing proposals. He will be the conductor of ideas and information among discrete and, to a great extent, autonomous teams and will help both the teams and individual teachers deal with problems which arise. He will have major responsibility for directing and working with educational consultants who may be involved in the program from time to time and will assist teachers and resource center staff in curriculum development. The director will be aided by a full-time professional, comparable in salary to assistant principals in the Boston Public Schools.

The assistant director will aid the director in performing the roles described above. In addition, he will be responsible for the operational functioning of the project in terms of such things as payrolls, transportation, budgets, supplies, contracts, yearly evaluation reports etc. He will work closely with representatives of all groups with which there is any kind of fiscal relationship. He will also have major responsibility for statistical and record-keeping functions which must be coordinated with the home school.

It will be important that all participants in the demonstration be able to disseminate information about its operation. However, the administrative staff must be able to coordinate these activities and to assume major responsibility for such things as newspaper stories, T.V. and radio spots, and speaking engagements before parents' groups, interested teachers, resource center constituents and others in the community. Another major function of the administrative staff will be to work with the parent advisory councils formed at each resource center, helping to assemble and disseminate the various kinds of information they will need in order to function effectively.

One full time executive secretary who can take on minor administrative duties at the program office and one full time clerk-typist will be needed by the core staff of the demonstration and should be under the general supervision of the director.

Staff and Curriculum Development.

It is obvious that the program we are describing here will be successful only if there is adequate preparation for it. This preparation must include development of staff and curriculum.

There is much evidence to suggest that real change in the classroom will occur only if major attention is given to restructuring or redefining the role of the teacher. A report on current educational research in "Social Education" cites a recent study by Parsons and Shaftel on the kinds of questions asked by elementary school teachers. Researchers found that over 90% of the teachers tested asked questions which were either rhetorical and for which no student response was expected, information-recall questions, or leading questions which contained answers. Only a small percentage of teachers asked probing questions designed to stimulate exploration of relationships or broaden the field of a student response. They concluded that this pattern was only partially due to teachers' "lack of skill in and understanding of the probing process."*

More importantly, researchers reported that a high percentage of teachers interviewed conceptualized their roles in the classroom as "masters and importers of important learning" and that their role image was a key factor preventing an increase in the number of probing questions asked. Other studies cited suggest that many beginning teachers use subject matter to sustain themselves in the role of principle source of knowledge in the classroom: "to evoke interest in what they as teachers have determined that their pupils will do, to justify decisions and evaluations, and generally to maintain control in the classroom." These studies suggest that the readiness of teachers to adopt a new role in the classroom will depend upon the degree to which self-concept and status is rooted in the role as authority figure in th classroom and upon the ability of teachers to view new roles as rewarding. This readiness is also influenced by changes of structure or conditions in the class room.

.he partnership demonstration's kind of open classroom setting requires a great deal of sensitivity, flexibility and creativity on the part of teachers which is not always encouraged or developed in the traditional learning context. For example, most teachers are not used to working as part of a team with other teachers; they are not used to working with every child on an individual basis, nor have they had much chance to work with the variety of educational materials which will be available in the partnership program. This suggests that teaching staff will have to spend time developing a wide range of teaching behavior: new techniques appropriate to aid development as opposed to learning, methods to measure how much a child has developed and what he needs to work on next, means to create problematic situations for children to pursue rather than giving them answers, the ability to create an environment of materials and activities which will stimulate children and engage their interests, means to relate the development of basic skills to pupil-directed activities, knowledge of how to plan and function as members of a teaching team.

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*"The Social Studies Teacher & Research on Teacher Education," Joseph C. Gronnis, Social Education, March, 1970. Vol.34 No.3.

Rather than view staff preparation for the demonstration as a "training" period which suggests that staff will "learn" certain prescribed techniques and methodologies, we believe that preparation for the program should take the form of workshops or seminars in which teachers will "develop" the kinds of skills just mentioned and in which they will begin to function together as teams. These workshops must include all those individuals who are to be involved in the program: teachers, parent aides, museum staff, principals of the home schools and the administrative staff. As these participants begin working together, and as soon as possible after the workshops begin, the staff who will make up teams should begin functioning as units.

Project staff will be encouraged to work together and to take responsibility for directing their own inquiry into better ways of educating children. No fixed structure or rigid agenda can be given now for this inquiry, but it is expected that in each workshop, teams will begin to touch upon the program concerns mentioned already. In addition, the following topics should be of concern:

- overcoming fear of introducing controversy into the classroom and improving ability to handle student responses;
- helping individual staff deal with their own attitudes and biases about race and class;
- decentralizing the role of the teacher in the classroom by promoting interaction among children and between children and materials;
- helping each child to grow at his own pace, in his own direction while mastering certain basic skills;
- teaching about communities and cultures;
- anticipating some of the problems of transition that individual students will face moving from traditional school environments to open learning environments; helping each child to find the particular degree of structure which he may need in his learning process at any given time;
- helping children learn to deal with two sets of peers (black and white);
- involving parents in the process of education and anticipating some of the concerns that parents will have.

In developing this proposal, the staff of Model Cities has initiated discussions with the University of Massachusetts at Boston and the Harvard School of Education to explore their possible involvement in staff development. The University of Massachusetts, through a Ford Foundation planning grant, has established the Institute for Learning and Teaching which is involved in helping to develop teachers through a variety of programs. Their primary emphasis is on program specific training, and they will help the participants in the staff development program design the kind of training which is specifically needed for the partnership demonstration. Staff from the University will be available as resources for information on child development, new methods and materials, means of planning in teams for open learning, ways to structure an environment for child-directed development and means to evaluate progress of students. It is hoped that staff participating in the development workshops can receive graduate or undergraduate credit from the University for their work in the demonstration.

During the school year the resource centers will become a laboratory where teachers, parents and administrators can analyze and alter the techniques and materials developed during the preparation phase. It is imperative, then, that program participants develop a mechanism through which they can periodically exchange ideas and analyze approaches and curriculum that work and that do not work. Such a mechanism could be in-service seminars, meeting on a weekly or monthly basis. Again the specific relationships should be worked out by the participants themselves, but we can assume that the same team effort that was employed in the pre-service institute would be successful here. Once school has begun, principals, resource center directors and other administrators will be less free to attend workshops. Therefore, the seminars will be conducted primarily for and by the teaching team and back-up staff.

Seminars may take two forms: classroom seminars and workshop seminars outside the classroom. Classroom seminars will be an excellent place for teachers of one module to observe the approaches and responses of children in a different module. They can also be used to merge classes of two modules or to reinforce some activity at the home school. They can be used as a tool for informing the community of the kinds of methods that are being used in the program

The workshop seminars would provide the time for teachers, aides and occasional consultants to discuss techniques, materials and alternative approaches. They could also be one of the mechanisms through which evaluation takes place. These seminars must grow out of the needs of the children, teachers and other staff members. A classroom activity may precipitate a classroom seminar; and a classroom seminar will surely provide impetus for many classroom activities.

In the demonstration, assisted development will mean teachers and resource people acting as a team to supervise and encourage intellectual growth, a process children perform basically for and by themselves. Intellectual growth does not take place in isolation, of course. It requires an interaction between an individual child, the material environment, and other children and adults. It is most likely that many of the challenges to accomodation will come from the subtle and creative ways teachers go about arranging the environment. The partnership approach to curriculum planning begins with the premise that all normal children can develop, provided they are in an environment which supports and encourages their natural curiosity. Structuring that environment, or planning curriculum will be the major task of the preparation workshops. We feel very strongly that this task must be done by the teachers themselves, with help from School Department and other curriculum development consultants.

Goals in relation to the curriculum are that the curriculum be comprehensive, that it provide opportunity for learning in all curricular areas and that it be constructed so as to show the interrelationships of these areas. The curriculum must enable a child to learn the kinds of conceptualizing and concepts appropriate to his stage of development and to use these concepts over a wide range of activities. Since it will be crucial to have continuity in the learning process as it takes place in the home schools and resource centers, in some instances objects may be transported from the resource center so that a child may continue his study of them. It is necessary, however, that the environments remain discrete -- partly because the resource center is such by virtue of having materials which cannot be duplicated in the schools. Each location must be able to support an ongoing learning process by providing means for children to "practice" their developing skills and conceptualizations.

The major task for the participants of the preparation workshops will be to explore the resources at the various locations where children will learn and to determine how these resources can be orchestrated to provide a comprehensive curriculum. For example, this will mean studying the ways in which dance can be used to help a child develop the concept of number, and planning activities in which historic artifacts can be used to stimulate oral and written expression. It will mean analyzing how the investigations of cultures (through dance, through playacting with authentic materials such as a Japanese tea house, and through a study of the different communities where the two home schools are located) can be structured to help a child develop concepts of what human communities are and how they function. It means finding a way to use the many and varied resources available to construct an environment which encourages children to discover and "play with" basic concepts of science. The list is endless.

There is an overwhelming tendency for teachers with integrated classes to avoid dealing with reactions of children to racial differences, to deny that racial awareness exists in the classroom, or to overemphasize "the racial issue." They hold to these positions despite studies on race awareness in children, despite the fact that pupils today are exposed through media to the current racial situation in the country and, more importantly, despite direct evidence of racial incidents occurring in classrooms and communities, i.e., name calling, discrimination, racism and stereotyping by teachers, students and parents both inside and outside of school. If teachers do initiate some discussion about race or black history or use new materials, it is generally on a very superficial level which emphasizes only the similarities among people and highlights those "exceptional" blacks who have made it; or on a very patronizing level which emphasizes "the disadvantage" and "cultural deprivation" of people "from low socio-economic backgrounds."

The partnership demonstration will be based on an urban, multi-cultural approach, and part of the curriculum development phase must be devoted to discussion of and selection of resources which promote this urban outlook. We believe that diversity of people -- their personalities, attitudes, values and mores -- should be rendered in the classroom, naturally, as part of the development process. This means that all materials used must reflect this diversity. One need not "tell" of a black man's contribution to music, science or history; nor introduce a poem, followed by the comment, "This poem was written by Langston Hughes, who is a Negro." All children are aware of different colors, sounds, smells, accents, feelings and tastes which need only be introduced as the natural experiences of life. The complexity of teaching arises not just from presentation of materials, but also from the need for teachers to respond honestly to students' reactions to materials and events. And so, an important part of curriculum development is to set up an environment which helps to develop in children "a sense of cultural relativity and an appreciation for ethnic and cultural diversity while strengthening positive self-identification."

Evaluation.

Effective evaluation of the demonstration is crucial -- to those who conduct the project and to the educators and communities who will be following its progress, as well as to those who must then make judgements about the implementation of an expanded partnership program. A great deal depends on the outcome of the partnership trial period -- in Boston and other cities and in many families where there are school children who need the best kind of education and educational systems which we can provide.

Evaluation logically begins with the objectives of any project, and the design for evaluation then proceeds with a description of methodology, techniques for collecting data, and methods of analyzing data. It is crucial that clear, measurable criteria be set up by which to determine the changes in what people know and what they do. No one familiar with setting up these kinds of performance criteria will say that it is an easy job to isolate the means by which progress toward a goal can be measured.

Because of the importance of evaluation in this project and because there is a wide range of kinds of objectives to be met, professional help is required to draw up the specific performance criteria to be used in the project evaluation and to help design methodology and data collecting and analyzing techniques. This can be done only after the program specifics are further developed, a task which we feel strongly must be done by those who will be participating in the demonstration. Therefore, part of the budget lists specifically an amount to be used for evaluation design during the final planning phase of the program.

The sections which follow are based on the broad goals which have been articulated in preceeding sections. They outline possible means by which progress toward achieving those goals might be measured and are organized in terms of "evaluation targets."

The Educational Program and Its Relationship to Children:

This target includes only those things which directly affect a child's learning experiences, such as his teacher's relationship to him. It does not speak to the planning or organizational concerns which might have contributed to that relationship such as the quality of teacher preparation or support.

1. Intellectual and emotional growth of children

It is here most especially that a careful and complete set of performance criteria must be created to measure how children have grown and developed. This cannot be done until the curriculum development phase is underway, but it should be a parallel concern to the construction of a curriculum around each of the resource centers. Performance criteria measuring skills, performance, attitudes, interest and development can be constructed for each of the broad goals listed on page 14 and for more specific goals determined during curriculum development. The operational hypothesis of the demonstration is that the quality of education provided is such that the children will be better able to develop intellectually and emotionally, than if they were in a traditional education program. Therefore, a part of this section of evaluation will compare performances of children in the partnership program with those of a control group of children in a regular school program. Traditional testing will be used, including maturation, personality, interest and opinion tests, but other criteria will be given a great deal of weight, simply because there are too many things which traditional testing does not show and there are too many things which are better measured through well designed performance "tests".

2. The use of broadened resources; the value of these resources in the curriculum

One of the means by which we hope to create a rich environment which supports developmental education is to make available to children on a long-term basis some of the finest resources of a major metropolitan area. Objectives for use of these resources are listed on page 20. As with the target of intellectual development, it is possible to articulate specific means by which the use and value of resource materials can be measured. The criteria for measuring progress toward goals should be defined toward the end of the curriculum development phase of the program and will probably have to be amended somewhat as the program continues in operation. Questions asked must include the following: Were resources selected on the basis of their ability to meet a wide variety of interests and developmental levels? Were they available to children in a manner which encouraged a self-directed learning process? Were curriculum activities and resources structured so as to provide continuity over the several locations where children were learning?

3. The creation of an urban, multi-cultural learning environment

Objective observation can determine the kinds and extent of multi-cultural materials used and activities encouraged. We would also expect criteria to include such quantitative measurements as the increase of instances of interracial cooperation and understanding and the increase of peer group friendships across racial lines. If children live in integrated communities, a mechanism to measure changed behavior in their relationships with community peers could be set up. Testing can be done to assess attitudes and feelings toward peers of different ethnic groups and to measure self-identity.

4. Organization of teaching staff

For this section the goals are those which directly affect children, especially the effective functioning of the teams at the resource centers. Were the teams able to encourage a high degree of individualized learning and self-direction in learning? Were staff supportive of this process? The relationships between children and teaching staff and among the staff themselves largely determine these things. Evaluation by outside observers as well as by direct report of those involved will be used to measure the degree of success here.

The Sharing of Responsibility for an Educational Program Among Several Institutions:

A major test of the demonstration is the success of the "partnerships" formed among various institutions. These institutions will share responsibility not only for developing the program, but also for evaluating its success.

1. The resource centers

Part of this evaluation must be from the point of view of each individual resource center concerning the value of the partnership to its own operations: difficulties encountered and benefits accrued in terms of staffing, materials and program development. Obviously, the cultural institutions must be able to benefit from entering into this partnership if the program is to continue and expand. Some of the questions they might ask are: How can such an institution best use the rich variety of its material and human resources to develop deep involvement and profound learning experiences for children? What is the role of objects in learning? What is the rôle of the arts as a basis for development?

How can a cultural institution best deliver its services to the elementary school-aged child who is not independently mobile and thus not able to seek those services according to his own needs and interests?

2. The School Department

Another aspect of the role of the resource center is the value of its participation from the point of view of the School Department and the educational program it is offering. Is the education program in fact improved and are School Department resources effectively expanded by virtue of the participation of other city institutions in the education of children?

It will be important to evaluate the means by which these institutions relate. While the Policy Council is to serve as the major negotiating and decision making body for the demonstration and is intended to be the vehicle where all institutions can work out policy questions to the best interest of all participants, there will surely be other ways in which these discrete, and historically rather isolated institutions work out patterns of cooperation. These ways should be identified and analyzed for their effectiveness as a part of the evaluation effort.

3. Model City Administration

Another institution which must be looked at in any evaluation of the demonstration is the Model City Administration, which has had a major role working with the School Department in developing the partnership concept and planning the demonstration. Its role as a change agent must be analyzed.

4. Transportation

Evaluation must determine whether the transportation to and from resource centers was efficient. Reactions of students, teachers and parents will be essential in this determination. Another aspect of transportation evaluation is cost, both the value gained for dollars spent on transportation during the demonstration and the feasibility of providing similar means of transportation in an expanded partnership program. These issues will be of particular concern to the State Department of Education which is providing funding for this aspect of the program.

Staffing:

Evaluation techniques, here as with the program components, will vary from subjective reporting of participants to observation and testing by a team of outside evaluators.

1. Pre and in-service programs

The teaching staff must be the group primarily responsible for evaluation of pre-service programs -- while they are participating in them and retrospectively as the demonstration is implemented. Joint evaluation by those professionals helping to design the pre-service component and the participating teachers,aided by consultant advice if necessary would be the primary method used. The same would hold true for continued in-service support, with a slightly greater emphasis on outside observation as part of the evaluation.

2. Role of resource center back-up staff

The position of executive secretary should be evaluated primarily by the regular administrative staff of the resource center in terms of his effectiveness and value to the institution. The resource assistant roles must be evaluated primarily by the teaching teams and such professional evaluators as necessary in order to judge their value to the teaching team.

3. Use of classroom aides

Evaluation of the degree to which the goals related to this aspect of the program are met will be made both by the teachers and aides themselves and by an outside evaluation team. The more objective evaluation is necessary because personal relationships and emotionally charged issues often affect the roles played by classroom aides. It is because of this fact that more subjective evaluation is also important, for in many ways relationships among human beings is what determines the effectiveness of group cooperation.

4. Teachers

Teachers in the classrooms and resource centers will have an important role in evaluation. Their own attitudes will be assessed: why they volunteered for the program, how they feel they have changed by virtue of having participated, what they see as their role. In addition, their evaluation of student growth, and their criticisms and suggestions for program adaptation will be a key part of planning, revision and evaluation of the partnership program.

5. Administrative team

A great deal of self-consciousness on the part of the administrative staff is needed in order to make judgements about the efficiency and effectiveness of the administration of the partnership demonstration. Are the right kinds of people involved and are job descriptions appropriate, are two of the questions which must be asked. Evaluation of the administrative mechanisms used for the demonstration will be essential in determining the kind of administration needed for expanded partnership implementation. A major share of the responsibility for evaluation will rest with the participants: demonstration staff, home school principals, assistant superintendents etc. An outside evaluation team should also be used to assess the effectiveness of the administration of the program.

The Partnership Policy Council will be evaluated as a part of the administrative structure. Did the group adequately represent each of the interests involved? Was it effective in formulating policy for the demonstration? It will be important to make an evaluative determination concerning the appropriateness of such a council for an expanded partnership program.

The Partnership as an Integration Scheme:

The first section of this proposal discussed briefly the efforts which the Boston School Department has been making to comply with the State Racial Balance Law. The problems of de facto residential segregation, here as in other cities, have thus far meant a continuation of de facto school segregation despite the best efforts of the

School Department to achieve racial integration. The usual definition of integration relies primarily on a numerical head count. A school building is assumed to be integrated when there are equal numbers of black and white children in attendance. There is no examination of individual classrooms and no investigation of the kinds of interaction which take place. The partnership program provides a new approach. It suggests explicit actions on the part of staff, children and parents in relation to cultural and ethnic differences by formulating an integrated educational program. It seeks new, more adequate definitions that respect and enhance individual and group differences and encourage positive and honest interaction. Evaluation must determine the degree to which this method of providing integrated education has been effective and its value in terms of individual student development as well as in strengthening a sense of community. The degree to which this scheme must be adapted to meet conditions in other cities can be determined most easily if there is a clear analysis of the special conditions in Boston which either support or hinder its implementation. Because achievement of quality, integrated education is of concern all over the country, the Boston Partnership Program should be evaluated in such a way as to encourage other school departments to adapt it to meet their particular requirements.

School System Growth and Change:

The Boston School Department is continually seeking ways to meet the changing and expanding educational needs of the children of Boston. This inevitably means that the system itself must find ways in which it can change and grow. The Partnership demonstration is such an attempt, and the impact of the demonstration on the system is thus a target for evaluation. The partnership will, for the first time in Boston, bring other institutions into an educational program at an intensive level, requiring the School Department to formulate a mechanism to use these outside resources and personnel to their fullest advantage while maintaining responsibility for the overall educational program. All strata of the School Department will need to be polled on their reactions to the demonstration: their assessment of its educational program, of problems encountered, of its impact on the system as a whole. In addition, the School Department will require the assistance of an outside evaluation team to make judgements about the success of the demonstration and its impact and potential affect on the system.

Perhaps the major goal of the program described in this proposal is to demonstrate the value of the partnership concept and the feasibility of its expansion. Recognizing that there are many feasibility questions which cannot be fully answered by the demonstration (the number and kinds of resource centers required; fiscal, architectural and legal implications of a building and rehab program based on the partnership concept etc.), a long range planning study will be done to investigate these questions and to make plans for wider partnership implementation. However, the results of the evaluation of all targets outlined in this section will be crucial in determining the future use of the partnership in Boston. A major issue will be the projected cost of implementing an expanded partnership program. The cost of the demonstration is reasonable for an experimental pilot program, but too high for wider implementation by the School Department at the same per pupil cost. Thus, the demonstration must show, first, how the program can use economies of size to reduce cost to a level the School Department can afford. Secondly, it must identify those cost factors which, on a priority basis, could be eliminated without reducing the effectiveness of the program. The ability of the School Department to expand the program, depending on such things as cost, available personnel and space requirements must be studied by the School Department staff with the help of outside advisors as a part of the demonstration evaluation.

Parent Participation and Satisfaction:

For most children, parents play a major educational role. Far too often parents and schools seem not to be in concert in terms of educational and cultural values. Because parents are a primary educational resource and because schools are ultimately responsible to a community made up largely of parents, the partnership program is designed to assure major parent participation through parent advisory councils at each resource center, parent aides in classrooms and meaningful representation on the Partnership Policy Council. Evaluation of this participation must judge such things as the extent, quality and frequency of parental involvement in real decisions. It must also look, however, at the measures used to stimulate and encourage real participation. What were staff-parent relations? To what extent were advisory councils able to inform parents of viable program alternatives? To what degree were parents and professionals able to work together in determining policy for the demonstration? Boston Model Cities data collecting and evaluation departments will monitor parent reactions to the demonstration each year as a means to assure "accountability" of the partnership demonstration to those parents who have volunteered to participate in it, and to evaluate the participation of parents in the program.

Dissemination:

Each year there should be an evaluation of the efforts made to disseminate information about the demonstration. Criteria should include both the breadth of coverage (how many people have heard about the program?) and the depth of coverage (how many people have a high degree of understanding of the program?).

Planning:

This section has outlined evaluation targets and identified some of the means to evaluate each target area. In each of the areas more work must be done in the planning phase in order to develop suitable evaluation criteria and methodology. This planning phase will also see the recruitment of program participants and planning for the curriculum development and staff preparation phases of the demonstration. It will include the work necessary to provide classroom space at each of the two resource centers and arrangements for the transportation program. These months of planning activity leading to demonstration implementation as well as the months of planning which have gone into the development of the partnership idea should be a seventh evaluation target. The effectiveness and weaknesses of the joint planning done by the Boston School Department, the resource institutions and the Boston Model City Administration as measured by the success of the demonstration should be carefully judged and documented in a final evaluation report.

RENOVATION

The following is a brief summation of the renovation work needed to bring learning spaces up to the requirements of the partnership demonstration program. A more detailed description of the precise work needed is available on request. Much of the work is necessary in order to bring spaces into compliance with fire, health and safety requirements; some is needed in order to create the kinds of environments dictated by program considerations.

The Elma Lewis School.

The school is located in a fireproof, brick building. Many of the specialized spaces are unfinished and must be provided with proper lighting, ceilings, partitions and running water. Proper egress requires the provision of new exterior doors from existing stairwells to the outdoors. The School does not now have its own heating system, and a full scale heating-ventilating-air conditioning system must be installed. There are presently only two small toilet rooms on the first floor; additional plumbing and fixtures will have to be installed to provide the required student toilet facilities on the second floor and in the basement. A sprinkler system must be installed throughout the building.

Electrical rewiring must be completed and new fixtures provided in many of the rooms. The costume room in the basement now has makeshift partitions, and these must be converted to permanent fireproof partitions if the room is to be used by the partnership program. In addition, two existing partitions in the basement will have to be removed to create the planned cafeteria space. Floors and walls in the entire basement will probably need finishing. A small kitchen space may have to be attached to the planned cafeteria to provide space for a storage freezer and warming oven.

Movable partitions are desirable in the dance studios to enable these large spaces to be used more extensively and efficiently. The library and cafeteria space should be carpeted. Although existing rooms are fairly large, there is inadequate storage space. This must be provided in the form of movable units, or it can be built into the corridor by rebuilding old closets. Lockers for coat storage should be added on the first floor. Finally, there are a number of broken windows throughout the building which must be repaired.

Heating, ventilating and air conditioning system	$280,000
Completion of Electrical/Mechanical work	73,000
Cafeteria and kitchen equipment	40,000
Plumbing and fireproofing	35,000
Room finishing	52,300
Teachers' lounge and storage	16,000
Total Renovation Cost (based on fall, 1970 construction costs)	$496,300

The Children's Museum Annex.

In order to meet State and local codes, those walls and partitions, especially corridor partitions, which are not fire resistent must be made so. Walls must be replaced or repaired to conform with the required fire rating. The corridor walls may have to be moved to widen the corridor to the required safety standards. The main staircase must be torn down and rebuilt and enclosed on both floors with fire doors and fire resistant materials. The second stair must be enclosed and fireproofed in such a way as to provide direct egress outdoors. This will probably mean relocation of one of the present side exits. In addition, a heating and ventilating system and toilet facilities must be installed. A modern sprinkler system must be installed throughout the building.

Over and above conformance to code standards, there are a number of repairs which must be made to the building to make it livable and to enable the partnership program to operate safely and comfortably in the space provided. Necessary exterior repairs include rebuilding of entry stairs and replacement of doors. The gutters and downspouts are rotted and must be replaced. Exterior wood trim, especially the window frames, must be painted.

In order to enable flexibility in activities, large, unbroken spaces are most desirable. Therefore most interior, non-bearing partitions should be removed. Bearing partitions might be replaced with columns for supports. The interior walls should be painted and the ceilings in some places require scraping and patching as well as painting.

The floors in the work and projects areas should be covered with a durable, hard, easily maintained covering; the remaining spaces should be carpeted. The building must be rewired and provided with new outlets and new and adequate lighting fixtures. At least one drinking fountain per floor should be provided, preferably in the service and circulation space. Since the Annex space is relatively small, no provision for heating hot lunches will be made in this resource center. Lunches will have to be provided from a bag lunch program or will be brought in hot and served immediately.

No architectural plans have yet been developed for the Children's Museum Annex, so it is difficult to itemize specific costs. The total cost is estimated at $180,000 to $240,000. The higher figure includes the cost of rebuilding the stairs as exterior structures if this is found necessary for circulation and code requirements.

Facilities at the Home Schools.

It is the aim of the program to help improve the education at the home schools, to give teachers and parents in those schools the opportunity to grow, develop and change even if they are not directly involved in the resource center program. For this reason, we are asking that a sum of $24,000 be granted for each demonstration year expressly for the use of the home schools. This sum is exactly $100 per pupil or $12,000 per home school. These funds could be used by the schools to do the following kinds of things:

1. to refurbish and equip the classrooms used by the partnership school program children, supplying such things as movable furniture, case work, visual screens, room dividers, storage furniture and carpeting, if not already available.
2. to provide additional materials. These materials could be purchased for the entire school, not just for the partnership school portion of it.
3. to pay for substitute teachers in order to give staff the time to visit the resource centers and other innovative projects. This money should be available to non-participating teachers as well as participating teachers to enable them to share some of the learning experiences made possible by the partnership program.

Without this kind of assistance provided to the home schools, we feel that the demonstration of the partnership program cannot function at its best.

FUNDING REQUIREMENTS

The following budget outline details the yearly and total costs of the three-year partnership demonstration program. In some categories, the amount is necessarily an estimate. The pages which follow show first, yearly operating costs with a total amount for the first year; second, the budget for the final program planning period; and third, the total amounts of funding required. Footnotes explain some of the specific budget items.

OPERATING COSTS

Central Program Administration

Personnel		
Program Director	@ 19,000	$ 19,000
Assistant Director	@ 16,000	16,000
Executive Secretary	@ 7,500	7,500
Typist	@ 6,000	6,000
		48,500
benefits @ 12%		5,820
		54,320
Rent	1250 sq. ft. @ $4.00/sq. ft.	5,000
Materials and Supplies		3,000
Dissemination		2,500
Telephone, Photocopying, Postage		1,012
Equipment Maintenance		200
Insurance		100
Consultants		2,500
Travel		3,000
Transportation[1]	(estimated cost)	200,000
Program Evaluation		33,000
Teacher In-Service Workshops		10,000
TOTAL OPERATIONS		314,632
Permanent Equipment and Furnishings		6,000
TOTAL FIRST YEAR		320,632

Home Schools[2]

Personnel		
Principal and Assistant Principal		
Home School Teachers	(8)	
Aides	8 @ 6,000	48,000
benefits @ 12%		5,760
		53,760[3]
Materials and Supplies		
Amount allocated by the Boston School Department		
Additional amount @ $100.00/ child		24,000
TOTAL		77,760

OPERATING COSTS
Childrens' Museum

Personnel		
Resource Teachers	2 @ 10,000	20,000
Resource Specialist	@ 10,000	10,000
Secretary	@ 6,500	6,500
Program Coordinator	3/5 time @ 16,000	9,600
		46,100
benefits @ 12%		5,532
		51,632
Rent	6000 sq. ft. @ $4.00/sq. ft.	24,000
Maintenance	4/5 time @ 125.00/wk.	5,200
Materials and Supplies	@$50.00/child	6,000
Evaluation		2,400
		89,232
Overhead @ 40%[4]		35,693
TOTAL OPERATING COSTS		124,925
Permanent Equipment and Furniture		10,000
Collections Preparation		30,000
Renovation		240,000
TOTAL FIRST YEAR		404,925

Elma Lewis School of Fine Arts

Personnel		
Resource Teachers	2 @ 10,000	20,000
Resource Specialists	2 @ 10,000	20,000
Secretary	@ 6,500	6,500
Program Coordinator	3/5 time @ 16,000	9,600
		56,100
benefits @ 12%		6,732
		62,832
Rent	20,000 sq. ft.[5] @ $4.00/sq.ft. 1/3year[6]	26,667
Materials and Supplies	@ $50.00/child	6,000
Evaluation		2,400
		97,899
Overhead @ 15%		14,685
TOTAL OPERATIONS		112,584
Permanent Equipment and Furniture		10,000
Renovation		250,000[7]
TOTAL FIRST YEAR		372,584

PLANNING PERIOD

Central Program Staff	(2 months)[8]	
Personnel		9,053
Rent		833
Materials and Supplies		500
Telephone, Photocopying, Postage, Insurance		185
Travel		500
TOTAL		11,071
Elma Lewis School	(2 months)	
Personnel		10,472
Rent		4,445
Materials and Supplies		1,000
		15,917
Overhead @ 15%		2,388
TOTAL		18,305
Childrens' Museum	(2 months)	
Personnel		8,605
Rent and Maintenance		4,867
Materials and Supplies		1,000
		14,472
Overhead @ 20%		2,894
TOTAL		17,366
Staff and Curriculum Development	(3 months)[9]	
Home School Teachers and Aides		35,840
Materials and Supplies		2,000
Consultants		5,000
Transportation		950
TOTAL		43,790
TOTAL PLANNING PERIOD		90,532

TOTAL OPERATING COSTS BY YEAR

	Year 1	Year 2	Year 3	Total
Central Program Administration	320,632	314,632	314,632	949,896
Elma Lewis School	372,584	112,584	112,584	597,752
Childrens' Museum	404,925	124,925	124,925	654,775
Home Schools	77,760	77,760	24,000	179,520
TOTALS	1,175,901	629,901	576,141	2,381,943

TOTAL PLANNING PERIOD	90,532
GRAND TOTAL	2,472,475

BUDGET FOOTNOTES

[1] This amount will be sought from the State Department of Education under legislation providing the cost of transportation for racial balancing programs.

[2] These figures do not indicate the substantial contribution of the Boston School Department to the program which will be outlined in the final proposal.

[3] This amount will be picked up by the Boston School Department for the third year.

[4] The overhead figure of 40% for the Childrens' Museum includes general administrative overhead of approximately 25% plus: a) an amount to cover the use by the partnership program of Museum space not covered by rent and maintenance payments (i.e.Visitors' Center, Resource Center, Carpentry Shop etc.) and, b) the high cost of handling and maintaining the vast collections of objects which will be used by the partnership program.

[5] The kinds of activities which will occur at the Elma Lewis School Resource Center (dancing, art, costuming, quiet games and reading, drama, music) require a greater amount of space than is normally needed for elementary school classes.

[6] Because most of the space used by the partnership program at the Elma Lewis School will be used by the School itself on days when the program is not taking place there, it is possible to base a rental figure on the number of days during which the space is actually used by children.

[7] This figure does not include the approximately $250,000 additional money required for a new heating plant at the School. Money for this is now being sought by the School.

[8] The planning period is to begin May 1, 1971. First year operations have been budgeted to begin with the fiscal year, July 1, 1971, with children participating on a regular basis when the school year begins.

[9] Staff and curriculum development will take place during the summer school vacation, running approximately from June 10 to September 10, 1971.

Senator **Pell**. Well, thank you very much indeed. These ideas and our conversation will be made part of the record and will be studied.

I would also urge the Senatorial staff members or the press, if any are left over here, to take notice of the fact that we are scheduled to have an executive session on this bill a week from today. So we will be moving ahead as fast as we can in trying to achieve a merger of the various viewpoints.

The committee is now recessed until tomorrow morning when we will resume right here at 10 a.m.

(Whereupon, at 5:05 p.m., the hearing was recessed, to reconvene at 10 a.m. Thursday, March 18, 1971.)

EMERGENCY SCHOOL AID, 1971

THURSDAY, MARCH 18, 1971

U.S. SENATE,
SUBCOMMITTEE ON EDUCATION OF THE
COMMITTEE ON LABOR AND PUBLIC WELFARE,
Washington, D.C.

The subcommittee met at 10:05 o'clock a.m., in room 4232, New Senate Office Building, Hon. Claiborne Pell (chairman of the subcommittee) presiding.

Present, Senators Pell (presiding), Mondale, and Javits.

Committee staff members present: Stephen J. Wexler, counsel; Richard D. Smith, associate counsel; and Roy H. Millenson, minority professional staff member.

Senator PELL. The Subcommittee on Education will come to order.

Our first witnesses will be a panel composed of Prof. Thomas Pettigrew from the Department of Social Relations, Harvard, and Dr. Marshall Smith, Center for Educational Policy Research, Cambridge, Mass. Would they come forward, please?

Dr. Pettigrew, I notice you have a statement which is pretty long. It will be inserted into the record.

Dr. PETTIGREW. There is an appendix on it, Senator; I would not bore you with all that. It only runs about 12 to 15 minutes.

Senator PELL. Proceed, then, as you will.

What we are trying to do is limit each witness to about a 10-minute statement, and then we go into questions.

STATEMENTS OF PROF. THOMAS PETTIGREW, DEPARTMENT OF SOCIAL RELATIONS, HARVARD UNIVERSITY, AND DR. MARSHALL SMITH, CENTER FOR EDUCATIONAL POLICY RESEARCH, CAMBRIDGE, MASS.

Dr. PETTIGREW. Thank you for this opportunity to testify this morning before your subcommittee. We wish to support the Mondale-Brooke sponsored quality integrated education bill before you in strong preference to the Javits-Griffin sponsored emergency school aid bill. But, as educational researchers and social scientists who specialize in race relations, we also want to testify as to how our preference is directly related, in our opinion, to the best knowledge we have about public schools at this point.

To be specific, we favor the Mondale-Brooke bill because it alone reflects the present state of knowledge in the following features:

(1) It carefully defines meaningful school integration.

(2) It concentrates and limits the proposed $1.5 billion to truly promising possibilities for the future rather than allowing it to be

thinly distributed for projects similar to those which have already failed.

(3) It is metropolitan in scope and specifically earmarks funds for prototypes of one of the most exciting proposals available—the metropolitan educational park.

(4) It alone assures parental participation and specifies funds for nonprofit community organizations.

(5) Finally, it provides for realistic enforcement procedures of it and previous critical civil rights legislation through the reimbursement of attorney's fees in successful lawsuits under the acts.

I would like to devote my testimony briefly this morning to the first three of these important advantages of the Mondale-Brooke bill.

First, the meaningful definition of school integration. If the $1.5 billion dollars proposed in these two bills over the next 2 years is to further school integration in this country, it must be directly earmarked. It should not, as in the emergency school aid bill, permit funding to districts which are engaging in the demonstrably harmful practice of tokenism. I believe that the definition given school integration in the quality integration education bill is meaningful, useful, and fully supported by the best research now available on the subject. This is so because its definition: (a) denies funding to token efforts; (b) encourages faculty as well as student integration; and (c) rewards socioeconomic diversity as well as racial diversity.

To appreciate the practical importance of the Mondale-Brooke bill's definition we must at the onset draw a sharp distinction between truly integrated facilities and merely desegregated ones. A desegregated school refers only to its racial composition. It may be a fine school, a bad one, perhaps a facility so racked with conflict that it provides poor educational opportunities for both its white and black pupils. Desegregation, then, is the mere mix of bodies without reference to the quality of the interracial interaction. While it is a prerequisite for integration, it does not in itself guarantee equal educational opportunity.

By contrast, an integrated school refers to an interracial facility which boasts a climate of interracial acceptance. A vast body of social science research shows that interracial acceptance is most easily generated in any institution, educational or otherwise, when the two groups share equal status in the situation and work for common goals. In addition, competition for the goals should not occur between the groups; and the intergroup contact needs the support of authorities and law. Such conditions are far easier to achieve if tokenism is not involved, if faculty as well as students are substantially mixed, and if socioeconomic diversity exists across racial lines.

Senator **Mondale**. Mr. Chairman, I think that effort to define integration is one of the best we have heard. We have been sort of thrashing around here trying to define the distinction between integration and desegregation and I think those two paragraphs are among the finest we have had. I appreciate that.

Dr. **Pettigrew**. Well, on this last point, I would like to remind the subcommittee that recent research strongly suggests that social class is an especially crucial factor. The findings of a large array of different studies—to which Dr. Smith will address himself—including the Coleman report on equal educational opportunity, demonstrates convincingly that schools with significant numbers of middle-class children have significant benefits for less-advantaged children regardless of race. Put bluntly, children of all backgrounds tend to do better in schools with a predominantly middle-class milieu.

For these and other reasons, I regard the Javits-Griffin measure at best a palliative attempt to aid token efforts at mere desegregation; while the Mondale-Brooke measure is an incisive attempt to encourage real efforts at genuine integration. And I regard this difference as critical if one is truly concerned about the consequences of these contrasting processes, because they are so different. There is no reason to expect positive benefits of mere desegregation for either black or white children; there is every reason to expect positive benefits of genuine integration for both black and white children.

You have heard in previous testimony—and Dr. Smith will follow up—about the demonstrated improvement in minority achievement in integrated schools. Consequently, I would like to stress this morning the other main effects of integrated education. I believe that social research strongly indicates that integrated schools are one of the chief mechanisms our society has so far devised for the amelioration of racial prejudice. It is sometimes patronizingly asserted that integrated schools are something to be accomplished for black children. I wish to stress that integrated education is in my view, as a social psychologist and race relations specialist, an essential for all children. Indeed, in these unsettling times of conflict, I believe it is not an exaggeration to maintain that integrated education is an essential for the future viability and harmony of our country.

Allow me to describe the results of just one of the research studies I have in mind when I make these sweeping statements. In 1966, the United States Commission on Civil Rights, as part of its broader study of racial isolation of the public schools, interviewed representative samples of white and black adults in northern and western cities. Black adults who themselves attended integrated schools as children have more positive racial attitudes and more often send their children to integrated schools than comparable black adults who attended only segregated schools as children. They are typically making more money and are more frequently in white-collar occupations than previously segregated blacks of comparable origins.

Similarly, white adults who experienced as children integrated schooling differ from comparable whites in their greater willingness to reside in an interracial neighborhood, to have their children attend interracial schools, and to have black friends. For both black and white adults, then, integrated education did in fact prepare its products for interracial living as adults.

Now the second advantage, as I see it, of the Mondale-Brooke bill: the concentration and limitation of funds to truly promising possibilities. I fear that the thinly spread and untargeted funding of the Emergency School Aid Act would be largely wasted as far as its affirmative effect on enhancing integration efforts in the Nation's public schools. True, public education is, like public institutions in general at this time, starved for fresh aid. The important question in deciding on these two bills, however, is what the consequences will be of the same proposed $1.5 billion. The Javits-Griffin measure promises aid in such an undifferentiated manner that there is every reason to expect that much of it would go to support the small and unimaginative programs which have, unfortunately, characterized many of the educational efforts of recent years.

In plain language, I fear not only waste in the approach of the Emergency School Aid Act, but a strengthening in some districts of programs that have already failed or even that have made the problem worse. My fears on this score are grounded less on the recurring charges of abuse in the handling of the initially authorized emergency fund of $75 million than it is on my experience as an evaluator a few years ago of title III projects under the Elementary and Secondary Education Act of 1965. Despite the emphasis on innovation of that meritorious title, the many projects funded under it which I reviewed were typically, though not universally, disappointing. With the present proposal even less specified than title III of the Elementary and Secondary Education Act, I see no reason to expect better results.

By contrast, the Mondale-Brooke proposal concentrates and targets its funds in such a way that the programs to be supported under it have a far higher probability of success. We do not lack promising ideas for the improvement of America's public schools; but we do lack promising models. The Quality Integrated Education Act would fund at realistic levels attempts throughout the Nation to translate our promising ideas into practical realities. While limiting these efforts to nontoken, broad-scale programs in areas with the most severe problems, this act wisely does not unduly limit the range of possibilities meeting these criteria. From metropolitan cooperation and children's television to new approaches to ghetto education, its funding provisions span a wide range of exciting new initiatives.

Senator MONDALE. If I might interrupt you there, one of the things that I have been telling the Secretary and the Commissioner—who want much broader discretion, and who say, "Well, we agree with you that there is a lot of things that should be tried, and you just let us have the money and we will try them"—is that they will find, as have all previous administrators, that the Congress—that is, each of us in the Congress—will be hounding them for a share of the money here and a share of the money there; and even their best wishes will evaporate under these kinds of pressures. Their only defense is a very sharply defined set-aside with funds allocated only for that purpose so they can say in response to such an appeal: "We would like to do it, Senator, but, you see, you have tied our hands." And then they can go ahead and try these models.

Otherwise, as you say, so many of these programs that have been adopted here in the Congress with such promise and with such noble objectives have missed their promise simply because they get spread and lost and used up in efforts which the administrator himself knew would not do much good, but he had no choice.

Dr. PETTIGREW. I agree, Senator.

The third advantage and the last that I would like to dwell on is the metropolitan emphasis of the Mondale-Brooke proposal.

I think there are four basic reasons why central city segregation of schools has reached today's enormous proportions, and I would like to give them in order, as I see it, of their importance.

The first is the anti-metropolitan manner in which our school districts are drawn and operated. We have uneconomically divided public education into more than 18,000 separate and inefficient districts. We have over 75 school districts in metropolitan Boston alone, 17 in metropolitan Denver, and an incredible 96 in metropolitan Detroit.

Second, the growing racial and class divisions between central cities and their suburbs combine with our multiple districting to furnish the single biggest factor behind urban school segregation. Over 80 percent of all black metropolitan residents live in central cities, while more than 60 percent of white metropolitan residents live in suburbs. And present housing trends do not erode this pattern. Thus, even if we did not have school segregation within districts, we would still face a national problem of school segregation across districts.

But of course we also face a major problem of intradistrict educational separation. Which leads to the third factor: that one seldom recognized contribution to this pattern is the depletion of the central city's pool of middle-class white children by large parochial and private school systems. Thus, three-fifths of the school-aged white children of Philadelphia and two-fifths of the school-aged white children of St. Louis and Boston do not attend the public schools. This pattern not only makes the public school student composition unrepresentative as to race and religion, but as to social class as well; for private schools disproportionately select off the invaluable resource of middle-class children.

Fourth, but only fourth, do we come to the most publicized reason for central city segregation—the cynical and willful planning by school systems to achieve maximum race and class segregation. In this regard, I would like to observe that the prevalence and persistence of conscious efforts to segregate throughout this country has put the concept of "de facto" school segregation in questionable repute among racial specialists. In every instance of which I am aware where the history of a central city's pattern of public school segregation has been studied in depth, governmental action in the terms of the 14th amendment has been uncovered. Unlike blatant State laws requiring segregated schools that characterized for many years my native South, school segregation in northern central cities has repeatedly been found to be the result of school board actions, real estate zoning, urban renewal and highway decisions, and so forth. Consequently, I am naturally skeptical of any Federal policy that is based on a rigid distinction between so-called "de facto" and de jure school segregation. I believe that governmental decisions created our present pattern of separate schools and can now reverse this pattern. If I may be allowed a terrible pun, what the law giveth, the law can taketh away.

A metropolitan perspective is essential. Pessimists often regard the racial integration of schools as impossible because of the growing concentrations of black Americans in central cities. But as soon as we adopt a metropolitan perspective, the dimensions of the problem are abruptly altered. Black Americans constitute only 11 percent of our national population and only about 14 percent of our metropolitan population. I am not advocating metropolitan consolidation of school districts, but rather a new level of cooperation between the central city and its suburbs. Until now we have discouraged such cooperation by shaping our State and Federal support of public education almost entirely in terms of single and isolated districts. To me this policy has unwittingly strengthened the roots of the inefficient educational structure that is failing us. While not diminishing local prerogatives, a policy of State and Federal funding that places strong incentives for cooperation between urban school districts would be an important step forward both for equal educational opportunity and the efficient use of public funds.

My enthusiasm, then, for the Quality Integrated Education Act is particularly generated by its direct response to the hard realities of urban segregation through its special emphasis upon metropolitan programs. To be blunt, there is no lasting solution to our Nation's urban problems of race and education that is not metropolitan in character. Sooner or later, the situation will force us to turn to metropolitan programs. I hope it is soon; and I thus feel the pilot inter-district cooperative arrangements encouraged by the Mondale-Brooke Act are desperately needed as models for the future.

Among other models, I am myself especially excited by the idea of Metropolitan Educational Parks—for which 10 percent of the funds under the Mondale-Brooke proposal is reserved. Such parks have many advantages: Cost efficiency, educational innovations, more individualized instruction, wider course offerings, special facilities, and coordination with universities and parochial schools—all of these advantages of the well-designed metropolitan park are features that parents, white and black, would welcome in the schools of tomorrow. This is politically critical, for integration efforts of the past have seldom come as intrinsic parts of a larger package promising an across-the-board improvement in education for all children.

As an appendix to my printed statement, I have included for your perusal a brief description of the metropolitan educational park idea, as I see it, together with a discussion of its various advantages and disadvantages.

Thank you again for this opportunity to testify before you.

I would like to turn it over to Dr. Smith.

Senator **Pell**. Thank you. I thought your testimony tightly drawn and particularly helpful.

(The information referred to follows:)

The Metropolitan Educational Park Plan

Ringing our major cities with educational parks, each of which serves both inner city and suburban students, offers one basic plan -- the metropolitan park plan. Each part would be located on "neutral turf" in an inner-ring suburb or just inside the central city boundary; and it would be so placed that the same spoke of the mass transit system could bring both outer-ring suburban children into the park and inner-city children out to it. The attendance area of each park would ideally cut out a metropolitan pie-slice containing a minimum of 12,000 to 15,000 public school students, with the thin end of the slice in the more dense central city and the thick end in the more sparse suburbs.

But what incentive could generate the metropolitan cooperation necessary for such a plan? A number of systems have considered educational parks, but they usually find the capital costs prohibitive. Moreover, many systems are currently hard-pressed for expansion funds -- especially as referenda for school construction bonds continue to be defeated throughout the nation. Federal funding, then, on a massive scale will obviously be needed, though it must be dispersed in a far more careful and strategic manner than the everybody-gets-his-cut, "river and harbors bill" principle of the 1965 Elementary and Secondary Education Act. As long as alternate federal funding for capital costs is available, many school systems -- particularly those in bad faith -- will not choose to join a metropolitan park plan. Therefore, future federal construction grants must: involve more than one urban district and the consortium must always include the central city (note that any one park would not require the entire metropolitan area to join the proposal -- though some coordination would be necessary, perhaps through review by each area's metropolitan planning commission); require racial and social desegregation -- and, hopefully, integration -- in every school involved (metropolitan involvement makes this requirement feasible); and exclude alternate routes for federal building funds (though if the first two criteria are met, the proposal need not adopt the metropolitan park plan as the model). A 15,000 student forty-to-fifty-million dollar park, 80-90% of it paid by the federal government, would be a powerful inducement.

The educational park idea is not a panacea; there can be elegantly effective and incredibly ineffective parks. Yet ample federal funding combined with the nation's planning and architectural genius should be able to set a new standard and direction for public schools. This combination has successfully been applied to public facilities ranging from interstate highways to magnificent airports. Now the combination should be applied to the benefit of children.

From high-rise structures to multiple-unit campuses, educational parks themselves can be planned in a variety of ways. The most widely discussed design would involve a reasonably large tract of land (80 to 100 acres as a minimum) and no fewer than 14 or 15 schools serving grades from kindergarten through high school. One educator has visualized a campus design for 18,000 students consisting of two senior high, four junior high, and eight elementary schools. If the park were to serve an especially densely populated section, it would be best if it did not include the entire grade spectrum so that it could still cover a reasonably expansive and heterogeneous attendance area. In general, however, an educational park resembles a public university. Both include a variety of educational programs for a large group of students of varying abilities. And like public universities in our major cities, some parks could consist of high-rise structures and some could develop a more spacious campus atmosphere with numerous buildings. Hopefully, the metropolitan park could usually follow the campus model since sufficient space would generally be obtainable at suburban-ring locations.

Apart from offering racial remedies, the metropolitan park concept has a number of distinct advantages. First, there are considerable savings that accrue from consolidation; centralized facilities, such as a single kitchen, need not be duplicated in each of the park's units. Savings on capital costs, too, would accrue from simultaneous building of many units at one location. These savings, however, do not necessarily mean that the total construction and operating costs would be less than those for the same student capacity spread out in traditional units. The advantage is that for essentially the same cost, metropolitan parks could boast significantly better facilities than traditional schools. Consequently, each child would be receiving far more per educational dollar in the metropolitan park.

The improved centralized facilities of the park should maximize innovations and individualized instruction. It is difficult to institute new approaches to learning in old settings. A prime finding of social change research is that new norms are easier to introduce in new institutions. The metropolitan park offers a fresh and exciting setting that should encourage new educational techniques and attract the more innovative members of the teaching profession. In addition, the park presents a rare design opportunity for building innovation into the physical and social structures of the schools. This, of course, includes the latest equipment for aiding the teacher and the student. Centralization enhances this process, for example, by providing efficient concentration of all electronic information storage, retrieval, and console facilities. The accent should be on individualized instruction as the unifying and positive theme -- a theme far more possible in the park design than in the present model of scattered "little red schoolhouses."

Many innovations made possible by the metropolitan park extend beyond the equipment realm. For instance, the teaching profession today suffers from being one of the most undifferentiated by rank of all professions, a characteristic which discourages a lifelong orientation to the field. While the medical profession has a graded rank order of roles from intern and resident to chief of a service, teachers must either enter administration and become principals or shift to more prestigious schools in order to move up the ladder. By concentrating a large number of teachers in a relatively small area, far more role differentiation becomes possible. Thus, a teacher might progress from an apprentice in a team-teaching situation, to a master teacher in a team, to a supervisor of master teachers, etc. Faculty concentration also allows more intensive across-school inservice training and the formation of departments across schools with rankings within departments as in universities (e.g., a junior high history department consisting of all history teachers in the four or five junior highs on the campus).

Concentration of students also allows wider course offerings. Specialized classes, from playing the lute to seventeenth-century English literature, become economically possible when the students electing them are gathered from units throughout the park. Moreover, concentration makes possible some remarkable facilities that can be shared by all of the park's units -- e.g., an Olympic-sized swimming pool, extensive auditorium and theatrical equipment, etc. These special facilities could far surpass what is now available in all but the most affluent districts, become a source of student and community pride, and provide a competitive status advantage over private schools. They also would be used efficiently, in contrast to the minimal use that expensive facilities receive in single-site schools.

The metropolitan park offers unusual opportunities for an effective liaison with a local university or college. Nova, the extensive educational park near Fort Lauderdale, Florida, even plans to include college and graduate work right on its campus. But direct contiguity is not necessary to develop a mutually beneficial coordination.

Recall that an important cause of public school segregation in many central cities is the enrollment of large percentages of white children in parochial schools. This fact suggests closer cooperation between public and parochial schools. The metropolitan educational park could facilitate such cooperation under optimal conditions. Most parochial systems are currently in serious financial condition. Tapping into the park's superior facilities should prove attractive. Roman Catholic educators point out that those items that cost the most -- the physical science laboratories, gymnasium, and stadium -- tend to be least related to the "moral training" that they believe to be the distinctive feature of their schools. Scattered-site schools, public and parochial, make "shared time" and other cooperative arrangements awkward at best. And when parochial students come to take their public school class as a group, such segregation often reaps its usual harvest of intergroup tension and hostility.

A recent idea from Vermont introduces a more promising possibility. At the time of planning a large educational park, Roman Catholic educators are provided the opportunity of buying an adjoining plot of land and constructing a new facility of their own. As long as the land price is consistent with its true value, no constitutional infringements appear to be involved. The new parochial facility need only concentrate on housing courses directly needed for "moral training." Parochial pupils would be free as individuals, not as separated groups, to cross the park's grass, not urban streets, and attend physical education, science, and other public school courses when they fit their particular schedules. The Vermont Plan offers construction and operating savings to hard-pressed parochial systems; and it offers a greater race and class student balance to hard-pressed public systems.

Cost efficiency, educational innovations, more individualized instruction, wider course offerings, special facilities, and coordination with universities and parochial schools -- all of these advantages of the well-designed metropolitan park are features that parents, white and black, would welcome in the schools of tomorrow. This is politically critical, for integration efforts of the past have seldom come as intrinsic parts of a larger package promising an across-the-board improvement in education for all children.

In addition to the natural resistance to change, four major objections have been raised to the park concept: (1) excessive capital costs; (2) the phasing-out of existing schools; (3) the problem of impersonalization in the large complexes; and (4) the loss of neighborhood interest and involvement in the school. Each is a serious objection and deserves comment.

The park is expensive, and major federal funding is necessary. Furthermore, mistakes in design and location could be disastrous. A park is an enormous commitment of resources, and, if poorly conceived, it could stand for years as a major mistake in planning. This is precisely what would happen if parks were operated totally within central city systems, for demographic projections prove the folly of building parks for a single central city system as a desegregation device. It is for this reason that the parks of the future must be metropolitan in character.

Present schools were expensive, too, and raise the problem of phasing out existing facilities. For many urban districts this is not a problem; they already have overutilized schools with double shifts and rising enrollments or old schools long past their usefulness. But some urban districts have many new schools and would be hesitant to join a park consortium. The program, however, is a long-term one. Hopefully, by the early 1970's most of the nation's leading metropolitan areas would boast one or more parks; these in turn could serve as models for completing the park rings in the decade. Moreover, elementary and secondary student enrollments will rise rapidly: from 48.4 million in 1964 to a projected 54.9 million in 1974 and 66 million in the fateful year of 1984. Metropolitan parks, then, could be phased-in as older facilities are phased-out and enrollments swiftly rise.

The third objection to parks centers upon the impersonalization of organizational bigness -- "the Kafka problem." Indeed, much of the park's description -- 15,000 students, a staff approaching 1,000, the latest electronic equipment -- has a frightening Kafka ring; and one can easily imagine how an ill-designed park could justify these fears. But such a prospect is not inherent in the park plan; nor is bigness a park problem alone, for many of today's huge urban high schools accommodate many thousands of students in a single unit and arouse the same uneasiness. In fact, imaginatively designed parks could act to counter the urban trend toward ever-larger public school units. Smaller schools at each level can be economically built as units within the park; and careful planning can afford a reasonable degree of privacy for each unit while still providing access to the shared facilities of the park.

Some critics are particularly concerned about the park's loss of neighborhood interest and involvement. The criticism assumes that most urban public schools today are neighborhood-based, and that they generate considerable neighborhood involvement. Serious doubts can be raised about both assumptions; we may well be worrying about the loss of something already lost. In any event, there is no evidence to indicate that only a neighborhood-based school can generate parental concern, or that a metropolitan park could not duplicate this feat, or that there is a close and negative association between the size of the attendance area and involvement.

The criticism does raise an important planning issue: How can the park be initiated and planned to heighten parental and community interest? Certainly, the special facilities, the university liaison, and cooperation with parochial schools could help generate community pride and interest. So could smaller schools and a park school board of parents with wide authority short of taxing power. Furthermore, widespread use of the park for adult education, community affairs, etc., would also contribute to public involvement; indeed, the special facilities of the park lend themselves to such adult use more readily than does the typical school today.

Finally, one might ask how such a metropolitan educational park plan fits with other such widely discussed possibilities as "decentralization" and "community schools." First, it should be noted that decentralization and community control are typically advanced either apart from integration considerations or as outright alternatives to integration. "The Bundy Report" for New York City, for instance, could well lead to racially homogeneous districts that would institutionalize racial segregation for generations to come. Yet there is an obvious need in such large and unwieldy systems as New York and Chicago to decentralize authority, as well as a general need to increase parental and community involvement in public education.

Similar to compensatory education, however, these possibilities acquire force and meaning when they *accompany* the drive for integration rather than substitute for it. Thus, effective decentralization need not take the form of isolated social class or racial islands, but should assume the metropolitan pie-slice shapes described earlier as ideal attendance areas for educational parks. New York City's schools *could* be organized along the lines suggested by "The Bundy Report" in such a way as to help rather than hinder integration.

In summary, then, those who say there is nothing we can do about the educational segregation of our major cities are fortunately wrong. This is not to say that desegregation progress will be easy, or even that we will do what is necessary to achieve such progress. But it is to say that it potentially *can* be done for a significant number of urban Americans, white and black.

Senator PELL. Dr. Smith.

Dr. SMITH. Thank you. I appreciate the opportunity to be here today.

Senator PELL. I understand you are an optimist and hope to be in New York City at 12:30?

Dr. SMITH. Right.

I would like to comment very briefly on one of the points raised by Professor Pettigrew. The point concerns the relationship between social class composition of a school and the achievement of the school's students. Professor Pettigrew cited the Equality of Educational Opportunity Report in support of the finding that schools with significant numbers of middle-class children substantially benefit the achievement of less-advantaged children, regardless of race.

It is important to note that this finding has also appeared in a number of smaller and more tightly controlled studies as well as in a national survey. Studies from three different cities make the point.

First, St. John found that the achievement of the ninth grade black students in Pittsburgh was strongly positively influenced by their attendance in schools with substantial numbers of middle-class children.

Second, St. John found benefits for sixth grade black students in Boston classrooms integrated by race and social class although some of the results were not statistically significant.

Third, Alan Wilson's study of the Richmond, Calif., schools also indicates that lower-class children receive substantial achievement benefits from attending middle-class schools.

Each of the three studies included more extensive controls than those used in the equal educational opportunity study.

Although none of the studies can be considered completely conclusive, the pattern seems clear. Whether the reason is peer influence, better resources, or teacher expectations, the data strongly indicate the schools with significant numbers of middle-class children are educationally advantageous for lower-class children.

I might note that this finding is particularly important when we remember the inconsistent but generally negligible effects of compensatory education programs upon student achievement.

Thank you.

Senator PELL. Could you submit for the record a summary of the studies that you were referring to?

Dr. SMITH. I would be glad to.

(The information referred to had not been received at the time this publication went to press.)

Senator PELL. I have been very struck by your testimony. You really bring out the difference between the two bills because, as you point out, desegregation is not necessarily integration. While you cannot have integration without desegregation, integration means a lot more than that. In reaching a compromise on these bills, it would be a question of building on the minimum base found in the administration bill, and then trying to push ahead as far as we can along the lines which you and I believe in.

As you know, there are a variety of forces to take into consideration as we work on a bill. Not only is this committee and its members involved. We must also consider the views of the Senate, the Congress as a whole, and the administration. So you have three levels, three hurdles to leap. If we start out with a too inclusive bill, we will not overcome the hurdles. That is one of the things that happened to us in the last Congress.

I ask this same question of each witness, and I am curious as to your reply: If you were faced with no bill or the administration bill, which would you take?

Dr. Pettigrew. I would take no bill. For the reason I cited: that is, I am afraid that some of the moneys under the administration bill would actually make the problem worse, not better.

Senator Pell. You do not think that on the overall balance, the administration bill would be more in the right direction than in the wrong direction?

Dr. Pettigrew. I would be fearful on the experience of previous bills.

Senator Pell. Thank you.

Would you have the same view, Dr. Smith?

Dr. Smith. Yes; I would.

Senator Pell. Thank you very much.

Senator Mondale?

Senator Mondale. Thank you, Mr. Chairman.

First of all, permit me to say, Dr. Pettigrew and Dr. Smith, how grateful I am to you for what I think is a most useful and important contribution to the work of this committee.

Would you agree with me that, as defined, there have been remarkably few qualified integrated educational experiences in American life? There have been several desegregated school systems, whatever that means—you know, the negative body mix. But when one now looks around the country and has to list quality integrated schools as defined in your testimony, it is not a very long list.

Would you agree with me on that? Or what is your feeling?

Dr. Pettigrew. I would agree in general. I think the list might be a little longer than any of us know about.

Senator Mondale. Yes.

Dr. Pettigrew. Because the ones that exist do not get in the newspapers. That is, when it works it is not news. And we know of it when it does not work.

Senator Mondale. Like Lamar, S.C., gets the big story, but the quite successful experiences around the country, Hoke County and the rest, their success is not very newsworthy.

Dr. Pettigrew. I still, in general, agree.

Senator Mondale. The point I was getting at: Do you not believe that there is a tremendous need for several quality integrated school environments to serve as models, to help us better understand what are the elements of a successful integrated school, what are the key problems, what sorts of incentives best hurry the process, and the rest? And experiences in different kinds of environments—not only the cities but the rural areas, and with different minorities, from different languages and cultural backgrounds and so on. Would you not agree?

Dr. Pettigrew. I think we do, desperately. And I think particularly we need such models of the metropolitan character because if we are to make any progress, we have go in that direction.

Now the few schools you could find that are successful, stable, integrated schools as defined in your bill are not metropolitan schools, so that in that sense they do not serve as the kinds of models we need for the direction I think we just absolutely will have to go in in the 1970's.

I do not think, by the way, this is limited to education. I suspect the metropolitan direction will be necessary to all sorts of problems.

Senator **Mondale.** We set aside some funds to encourage multidistrict cooperation. Would you not say there are very few examples of this? Project Concern at Hartford; and I think it is "METCO" around Boston; and I do not know of many other examples of meaningful multidistrict kinds of cooperation.

Dr. **Pettigrew.** They are very small; and even the ones you name are small. And, well, they are usually bussing programs of blacks to previously all-white schools in the suburbs which then do not furnish a model for the future. They are important because they set precedents for metropolitan cooperation.

But under your proposal we would have schools that from the start are integrated. It would not be just blacks going to white schools; but hopefully they would be American schools of both whites and blacks.

Senator **Mondale.** You come down hard in behalf of experiments with metropolitan educational parks, and I strongly agree with that.

There has been some suggestion that we should stay away from physical facilities in this bill and that, therefore, we should simply make planning money available to a school district or districts which wish to establish an educational park, and leave the capital costs up to them.

What would be your response to that strategy?

Dr. **Pettigrew.** I think that would be missing where public education is right now on the idea of educational parks. I think the concept has excited many educators throughout the country and that much of the planning you would need has actually been done.

In St. Paul, Minn., for instance, there was a St. Paul metropolitan park plan. It never got off the ground, and largely because the funding required is considerable.

It really needs Federal aid and/or State aid, and I think that planning would be duplicating what has already occurred.

What we need now are positive models you can actually go and visit and see how it operates and learn what is wrong and do it better next time.

Senator **Mondale.** Do you have some information on cost of educational parks which you might submit for the record? What kind of money we are talking about?

Dr. **Pettigrew.** The Commission on Civil Rights has such information as part of its study, in which I participated, of the racial isolation of public schools. We costed out a metropolitan park such as I describe in the appendix of my statement for Philadelphia where things are pretty expensive, and this was 1966 now, so allow for inflation and the cost of land, which we did not include—it was $50 million.

Senator **Mondale.** I would ask that that study be made a part of the record.

Senator **Pell.** It will be done.

(The information referred to had not been received at the time this publication went to press.)

Senator Mondale. It is my feeling regarding educational parks that this proposal has been enthusiastically suggested by many educators, hoped for by many school districts, and planned for by several, but that when they finally get up to the capital cost problems, it is more than any school district can swing, particularly in light of the absence of experience elsewhere that they can use as a basis for argument. Most of our core city schools particularly are absolutely unable to even think of such capital costs. They are lucky to remodel an old building, let alone take on this sort of massive new capital costs. So that if we want an educational park or two or three as models to see whether they work as well as educators hope, the Federal Government or the State government or both are going to have to pick up most of the capital costs.

Would you agree with that?

Dr. Pettigrew. I think so, sir.

Senator Mondale. Now let me just turn briefly to the question of whether the data is as clear as you suggest in support of the so-called Coleman strategy as I understand it: that if disadvantaged children go to schools which are majority-advantaged, in a stable environment with children who come from environments and from families which are considered in the upper range of social and economic advantage, the poor children will do better than they will in racial isolation, even with a compensatory education program.

I gather that is what you strongly believe?

Dr. Smith. I strongly believe that, in honesty, social science has to face the problem that these is some reason that the lower class children in the middle class schools are more concerned with education in may be because their parents are more concerned with education in some way. It may be because of some sore of unmeasured background characteristic of those families. And it is impossible in the data that presently exists to really tease out that selection factor, to really say that the lower class children in the middle class schools are precisely the same as the lower class children in the lower class schools.

Now what that means is that an inference about moving lower class children to middle class schools is somewhat tentative. The data, however, in case after case, with as many controls as we can possibly put on, strongly suggest that there is a quite positive effect.

Senator Mondale. You cited several examples-

Dr. Smith. Pittsburgh, and Boston.

Senator Mondale. Where else did you have studies?

Dr. Smith. Pittsburgh, Boston, and Richmond, Calif., were the three studies I cited.

Senator Mondale. In the Pittsburgh case, when disadvantaged children were introduced into the adavntaged schools, what was their improvement in basic skills? Are you able to give us such a generalization?

Dr. Smith. You are talking about closing the gap between——

Senator Mondale. There are two parts. One is: How do they improve in their own acceleration of learning? The other question is: Is there still a gap?

Dr. Smith. There is clearly still a gap. The improvement seems to be between 10 and 15 percent, in terms of the gap.

It is very hard to talk about an improvement per se.

Senator **Mondale**. I wish there was some way that politicians and educators could talk to each other.

In other words, if you were trying to explain to a meeting of poor black parents why they should send their children to that school 2 miles away which is majority white middle class, and one of the mothers said, "Well, you mean to tell me my child will probably learn reading and writing and other skills faster? What would you tell her?

Dr. **Smith**. I would tell her "yes," that at the ninth grade the overall effect of attending the middle-class school seems to be worth half a grade level to a full grade level for that student.

Senator **Mondale**. Per year?

Dr. **Smith**. No. At the ninth grade.

Senator **Mondale**. If they go to that school one through nine?

Dr. **Smith**. Right.

Senator **Mondale**. They will be between half a year and a year ahead in the basic skills of where they would be if they remained in isolation?

Dr. **Smith**. That is right.

Senator **Mondale**. Even with a compensatory education program?

Dr. **Smith**. We do not have a direct comparison between the integrated and the compensatory education program. However, there do not seem to be any effects on the whole.

Senator **Mondale**. You have found no movement there at all?

Dr. **Smith**. Right.

Senator **Mondale**. That is right—when people say, "Let's quit talking about integration; let's talk about education," the implication being we have strategies that have been successful, when you deal with majority disadvantaged in terms of basic skills, there has been very little evidence, has there not?

Dr. **Smith**. Very little evidence from compensatory education.

Senator **Pell**. I would like to interrupt.

I think you are presenting a modest, muted, and understated estimate of the effect, but what is the reverse effect? When does the tipping point come with regard to the children's education level? Does it drop if the school is integrated?

Dr **Smith**. Again you are faced with the same selection problem in the survey studies. The tipping point in the survey studies seems to be around—this is a very rough guess—25 to 45 percent. This is black students integrated with white students.

Senator **Pell**. But below that point, below 25 percent, there is no noticeable decreasing of the white kids' learning abilities? Is that correct?

Dr. **Smith**. It is a very tough problem. Let me introduce a little bit more evidence. A number of bussing studies were referred to. In none of the bussing studies—the study in Riverside, the study in Boston, the Hartford study—have the receiving school's students, the white students in the receiving schools, achievement been lowered.

Now granted this has not been massive integration on a 25- or 50-percent scale. However, it has been, in Hartford at least, from 5 to 15–18 percent. But there has been no effect on the achievement of the white students.

Senator **Mondale**. Sometimes they have done better, have they not?

Dr. **Smith**. Yes, there is some indications in academic grades they have done better.

Senator Pell. Is this related to the color of the children's skin or to the size or lack of size of their parent's income? In other words, would the same thing happen if the kids were white and pulled out of Appalachia? Or is it related to race?

Dr. Smith. My guess is that it is very clearly class, the size of the person's——

Senator Pell. If you could find a city where the ghetto area were all white, you would have exactly the same set of circumstances—not exactly, but similar circumstances?

Dr. Smith. Right.

Dr. Pettigrew. The key variable there for class is the education of the parents. And I notice with interest in the Mondale-Brooke measure it specifically refers to educational advantaged children as part of the integrated school act. That I think is close to the research; that is relating it to the educational abilities of the child and the educational backgrounds of the parents.

Senator Pell. This was part of the theory used in drawing up the bill in the last Congress: that the integration would not be based just on the different skin colors but would also include a variety in the parents' income and level of education. Would that not be correct?

Senator Mondale. Yes, you know, the idea that if a black is to be educated he must sit next to a white—that is not it at all. In my opinion, a suggestion of that kind is not only racist but educational baloney. The point of the Coleman report, of your testimony here, the theory, is that if a child who has been denied books and music and motivation and the rest—and who suffers the self-image damage that comes from living in serious poverty—if such a child can have the advantage, the sooner the better, of classmates and friends who have had advantages, they will help each other; they will motivate each other and the disadvantaged child will respond to that kind of peer group instruction faster than he will to an outside teacher.

Of course, it helps to have a good outside teacher, a good teacher, but it is that process among the children that Coleman believes and that you believe is the best single source of improvement in basic skills and improvement in inter-group understanding.

And of course, in addition to that process, people come to know each other better. I despair of trying to sell the importance of the humanity involved in this issue, but I think this is the best way that I know of for this country to get back together again before it blows up.

When you think of the kinds of things that healthy adults ought to know in America today, one of the key things they ought to know and to appreciate is respect for each other.

So that integration on these grounds offers both. Is that correct?

Dr. Smith. I completely agree with you.

Dr. Pettigrew. I think our evidence on that, Senator, is clearer and more straightforward than the evidence on achievement.

Senator Mondale. As a matter of fact, you know there is a lot of talk about the remarkable change in attitudes in the South that is beginning to show up politically. I believe some of this stems from desegregation, as inadequate as it has often been. Leading southern leaders have told me privately, that they think the desegregation experience has actually resulted in a remarkable change of attitude.

Well, the Gallup poll—which we put in the record some months ago—reported that the most remarkable change of public opinion ever recorded on any subject in the history of the Gallup poll was the attitude of white parents toward desegregation in the South in the last 7 years. Where there was opposition of 61 percent, it is now 16 percent. And that has cut the ground out of a lot of the demagogues and the traditional segregationist policy. People, many of them, do not want to hear it the way they once did because they do not believe it.

Dr. PETTIGREW. On the class point, I would like to point out, too, that I think—I am no lawyer and maybe I am reading it wrong—but I thought there was a subtle point to the definition of integrated education in your proposal, Senator, which I would strongly support, and that is, at least as I read it, it seems you are saying if we integrated, it would have to have not only a mix of race and class but all four represented; that is, middle-class blacks as well as lower class blacks. And you intended that?

Senator MONDALE. Absolutely.

Dr. PETTIGREW. I would just like to underline the significance of that definition because what I think happens in desegregated schools with conflict today is that often race and class are correlated almost perfectly; that is, the poorest white child is as well off or better than the richest black child, so that class and race become completely confounded. And given our society, anything that happens which is really a class conflict of values is interpreted as racial. And this makes middle-class black children an extremely important resource to school systems—as well as, of course, working class white children, who also disturb that correlation.

That is really quite critical, and one of, I think, the strongest, though subtle, aspects to the definition in the Mondale-Brooke proposal.

Senator MONDALE. I want to make one last point which I increasingly believe to be the case.

We had some hearings of the Equal Education Committee on the west coast recently with testimony on the Berkeley school system, the San Francisco school system, and then a very interesting panel of I believe six superintendents or administrators from school systems which had integrated or desegregated—Riverside, Pasadena, and some of the others. And there was very strong feeling there that the desegregation which they have had was inadequate, even though the numbers looked right. The thing that desegregation had shown these schools is how, in effect, how bad they were and how they had to change and create a school system of humanity, a school system which places the child first, a school system in which the teachers respect the children, in which the teachers really believe that a black or brown child can learn. It was this second level, what they called integration, the difference between mixing bodies and really educating them, attention to the human problems and the motivational problems and the self-respect problems and the teacher problems and the rest—it is this second stage which is the key to real education, to healthy intergroup relations and possibly even the key to the gap that you are talking about. Because even with improved basic skills the average black child was still tragically behind the average white child.

In Berkeley, after desegregation, the superintendent said that the improvement in basic skills of the average black child jumped from half a year a year, as compared to some norm, to eight-tenths of a year. That is pretty impressive. This is three-tenths of a year a year. There is no compensatory education program I have seen that has done that.

And the white children on the average did just as well or possibly slightly better. But the average white child was gaining in basic skills 1.3 years per year, so that by the 11th grade the average black child was 5 years behind the average white child in the basic skills, reading, writing and arithmetic. And this is one of the best school systems, perhaps, in the world, it has got great leadership, and they are really trying. And now they are trying to close the gap, in effect.

That is, by the end of 12 years the average black child is 3.6 years ahead—if this continues—of where he would have been, which is a remarkable dividend. And many of the black children did jump up to grade level and beyond, and a phenomenon that did not show up as much in the all-black schools.

So that there is improvement, but we still have got that gap that has to be overcome. And all the superintendents came down very hard, very hard, on the need for assistance and the need for a national commitment to integration, to look at what you might call the second generation of problems once you have gotten everybody together.

But would you not agree that this vague and terribly important concept of integration is going to prove, and is proving, to be an essential element of a healthy and effective mixing of people, and should be encouraged above all? Do you agree with that?

Dr. **Pettigrew.** I would, Senator. And particularly as distinguished from just mere desegregation. And I also think that this is a particularly important think for legislation. In the courts, which are not completely, perhaps, but largely confined to desegregation, we are unable through the courts I think to get this kind of force for integration.

Senator **Mondale.** In other words, the courts just are not equipped or really authorized. What we are talking about is a public policy, not a constitutional principle.

Dr. **Smith.** I think the courts are speaking to this a little bit. One of the main institutional criteria that in schools create desegregation facilities rather than integrated facilities is the grouping and tracking system that goes on. And the courts are becoming more and more aware of this through a variety of cases, particularly the case in Washington, which is a case in point. There are a number of other cases now pending before the courts.

This particular system which creates within the classroom groupings on the basis of test scores at first grade, to my mind, successfully discriminates at the age of 6 years old and stops an awful lot of children from the possibility of ever going on to college preparatory courses in high school or to colleges.

Senator **Mondale.** You know, some of the schools that have desegregated have, through the tracking process, simply resegregated within the same school.

Dr. **Smith.** It goes on all the time in conventional school systems.

Dr. **Pettigrew.** Which may have worse effects than the original segregated schools.

Senator **Mondale.** I agree. There are some of these desegregated schools that are more personally insulting than the old because children walk through the front door together and then they separate—it would almost be better if they had not done anything.

Thank you.

Senator **Pell.** Thank you very much.

Also I would like to congratulate Professor Pettigrew on his appendix pertaining to education parks. I read it carefully and thought it excellent. It will be included in the record immediately following your statement.

I was struck with your idea of the pie approach as to where the park should be located.

One question: How many education parks are there in the United States now that meet your definition of being an education park?

Dr. **Pettigrew.** None.

Senator **Pell.** Zero?

Dr. **Pettigrew.** Zero. There are things called "parks" but not described as I have it there.

Senator **Pell.** And how many near-education parks are there?

Dr. **Pettigrew.** Maybe a few, but none of them metropolitan. And for me that is the key.

To put education parks, as was once discussed in Philadelphia, just within the Philadelphia system is a good way to intensify segregation. If it is going to be an integration device, I think it has to be metropolitan. And using that criterion, there are none even there.

Senator **Pell.** As a Senator from a city State, I am very interested in this whole concept because I see a very ideal opportunity to try out this idea.

I thank you both very much indeed, and wish Dr. Smith good luck in making his 12:30 appointment in New York City.

Senator **Mondale.** I would ask Dr. Smith perhaps to submit a letter for the record on this tracking issue.

In our bill, page 9, subsection (c), we specifically prohibit any testing system which results in segregation. But we have very little in the record on this issue, and anything you could submit for that would be greatly appreciated.

Dr. **Smith.** All right. Thank you.

(The information referred to had not been received at the time this publication went to the press.)

Senator **Mondale.** I have a statement I would like to include in the record of this hearing.

Senator **Pell.** It will be included.

STATEMENT OF HON. WALTER F. MONDALE, U.S. SENATOR FROM MINNESOTA

Senator **Mondale.** Senator Pell, I would like to take this moment to thank Dr. Perkins and Dr. Morrisett for coming to share their thoughts with us this morning. Dr. Perkins, as president of the International Council for Educational Development, was the chairman of the committee that wrote the recently released report to the Corporation for Public Broadcasting on Instructional Broadcasting. That report was a comprehensive review of the potential uses of the mass media to greatly expand the reach of our educational efforts. The report has a most important discussion of the long-term role of the Federal Government that is necessary if we are to realize the potential of instructional broadcasting. I ask the committee's consent that the study entitled "Instructional Broadcasting: A Design for the Future" be included in the printed record of the hearing. I would also like to ask the committee's consent to include in the printed record the text of Dr. Morrisett's challenging essay entitled "The Age of Television and the Television Age."

Dr. Morrisett's essay stresses the fact that preschool children watch television so much that for them it is equivalent to a full-time job. What we have is a situation crying for our attention. If we want our children to grow up without the prejudice that has stained so many of our generation, and we want the educational achievement of our children to be as great as possible, then why have we ignored the inexpensive chance to reach children over television in their preschool years? The habit of viewing the television set is well established, and the high cost of hardware, the cost of television receivers in well over 95 percent of all the homes in the country, has already been met by the voluntary purchases of television sets by individual citizens. All that is needed is the software, the programing. That is what section 10 of S. 683 provides funds to create.

If I may take just a few more minutes, I would like to quote a paragraph from the written testimony of the National Citizens Committee for Broadcasting submitted to this committee, and in addition, a paragraph from a review by a Cornell University professor of research that bears on this amendment.

Thomas Hoving, chairman of the National Citizens Committee for Broadcasting wrote to Chairman Pell:

> Section 10 may well be the most important part of any school desegregation Bill Congress can create. If integration is ever to work, our children, during their crucial preschool years, must be exposed in a positive manner to the lifestyles and backgrounds of the various racial and ethnic groups that form American society.

Prof. John Condry in an address to the First National Symposium on Children and Television, sponsored by Action for Children's Television, in Boston this past October said:

> A realistic portrayal of the lives and the cultural heritage of minority groups is infrequent on television, and it is virtually non-existent in children's programs. Yet two findings of research are important if we are to understand the potential impact of this indirect distortion. First, children form their attitudes and beliefs about ethnic groups early in life, and second, when these beliefs are based on contact with real people, or people realistically depicted, they are more tolerant and humane than beliefs based upon distortions.

The crucial link between a "felt need" and the program to meet it is men with a broad knowledge of the practical problems involved in successful innovation. I am very glad Dr. Perkins and Dr. Morrisett could come today, for Dr. Perkins in the area of higher education, and Dr. Morrisett in the preschool area, have proved themselves two of the most broadly knowledgeable and successful individuals in this field.

Senator PELL. Our next witness is Dr. James A. Perkins, International Council for Educational Development, and Mr. Lloyd Morrisett of the John and Mary Markle Foundation.

I am particularly delighted to welcome Dr. Perkins, who had the dubious experience of teaching me at one point.

You have a prepared statement, I notice, so you may proceed as you will.

Dr. **Perkins**. Senator, we do have a prepared statement which we have jointly prepared.

Senator **Pell**. That is what I understand.

Dr. **Perkins**. And we are dividing our presentation according to our respective talents. I am reading the statement and Dr. Morrisett will answer the questions.

STATEMENT OF DR. JAMES A. PERKINS, INTERNATIONAL COUNCIL FOR EDUCATIONAL DEVELOPMENT, NEW YORK, N.Y., AND LLOYD MORRISETT, OF THE JOHN AND MARY MARKLE FOUNDATION, NEW YORK, N.Y.

Dr. **Perkins** To further qualify ourselves, although this is not in the statement, Senator, I might add that we are both alumni of the Carnegie Corp., of New York, both having been vice presidents, not at the same time. I was for some years the president of Cornell University, where the absence of racial understanding had something to do with my career, and Dr. Morrisett was the one whose idea it was that led to Sesame Street.

I am James A. Perkins, chairman of the International Council for Educational Development. The International Council for Educational Development is an international and independent association of persons with a common concern for the future of education and its role in social and economic development. Dr. Morrisett is president of the John and Mary R. Markle Foundation and chairman of the Board of trustees of the Children's Television Workshop. The Markle Foundation is currently concentrating its activities in the field of mass communications. Children's Television Workshop is a private, nonprofit corporation that produces the nationwide television series, Sesame Street.

We, James A. Perkins and Lloyd N. Morrisett, are appearing at the request of this subcommittee to testify on the bill S. 683, otherwise known as the Quality Integrated Education Act of 1971. Our testimony relates only to section 10 of that bill, titled "Educational Television." The section provides that funds be made available for grants to not more than 10 public or private nonprofit agencies for the purpose of developing and producing integrated children's television programs of cognitive and affective educational value.

Both of us have made studies of the field of educational television which we are submitting for the record. Mine, parenthetically, was a report to the Corporation for Public Broadcasting on the future of educational TV, and Dr. Morrisett's appears in his most recent annual report which is a substantial and now very widely known essay in this area.

Senator **Mondale**. At the conclusion of this testimony I am going to ask the chairman to include both documents in the record so that we have them.

Dr. **Perkins**. Both documents have been submitted to your staff and you already have them.

As a result of these studies and of our specific experience in this field we are appearing to urge the members of this committee, Secretary Richardson, and Commissioner Marland to lend their support to the passage of section 10 of S. 683. We feel that the development of television programs such as those specified in that section is of great importance as a means of delivering and encouraging high quality, integrated education.

Television is an all-pervasive influence on American life today. Over 95 percent of American households in all section of the country and of all income levels own at least one television set; and children, especially those of preschool age, watch more television than any other age group. It has been estimated that preschoolers spend as much as 50 hours per week watching television; and although viewing time declines slightly as a child grows older, it is still true that television is one of the major influences upon the lives of American children. Many children probably spend more time watching television than they do in the classroom.

Senator MONDALE. There was a story I read the other day, that at the completion of the 12th grade, the average graduate has spent 11,000 hours in classrooms and 15,000 hours watching television. Could that be true?

Dr. MORRISETT. That is the ordinary estimate.

Dr. PERKINS. Somewhat disquieting bit of intelligence, Senator.

Television viewing must be regarded as an educational experience. Television shows provide information and suggest points of view which are readily absorbed by young and old alike. Moreover, the fact that youngsters, during their most formative years, watch so much television indicates to us that television is one of their most important educational experiences. The information they glean from it is a large part of what they know, and the views it projects help to form their attitudes about themselves and others. This is especially true for underprivileged children. In his book, "The Effects of Television," James D. Halloran writes that—

> The poor, particularly the black, perceived television as "showing it like it is," and this despite all "objective" appearances to the contrary. The National Commission on the Causes and Prevention of Violence states that "television is a primary source of socialization for low-income teenagers" and that "in the absence of family, peer, and school relationships, television becomes the most compatible substitute for real life experiences."

These facts indicate that television holds both a threat to and a promise for quality integrated education. The threat is that television will counteract efforts made to achieve integrated education in the classroom. Because it has such a strong influence over the young, television can, and we believe it often does, create or reinforce racial attitudes which may negate the teachers' best work to educate children in racial understanding. Television may also negate the efforts of teachers to present the kinds of information which are most important for a child's intellectual development. For instance, a child may learn from television that many revered figures from America's historical past were "tough" characters whose ultimate success depended on their speed and accuracy with a six-shooter or Winchester rifle, not infrequently aimed at an Indian. Thus, what might be called the negative effects of television may begin at an early age; when regularly reinforced outside the classroom during the child's educational career, these effects can make the teacher's job far more difficult.

But it is not the threat of television which we have come here to emphasize; it is, rather, the promise that this powerful and pervasive medium can be turned to great educational benefit. Properly produced programs can massively reinforce the efforts of teachers to provide quality integrated education in at least two ways.

In the first place, television can provide quality integrated education. A child watching television programing featuring actors of all races is himself taking part in integrated education. If an educational television program assumes the normality of good relationships between the races, and if it provides a pleasant viewing experience, a child watching the program is participating in integrated education under the best possible circumstances. Television cannot take the place of the classroom. It can help to reinforce the child's positive experiences with integration through the presentation, in a remarkably flexible medium, of many real-life or fantasy situations. It can make children feel that an environment in which people of all races interact in positive ways is natural and pleasant.

By showing that people of all races can live, work, and learn together in a spirit of harmony and understanding, educational programing can create positive racial attitudes which are essential if racial harmony is to prevail in the classroom and elsewhere.

In my experience, including that as president of Cornell University, I have found that no matter how well intentioned the administration of an educational institution, no matter what innovative plans and resources are made available, it is almost impossible to provide successful integrated education unless there is racial understanding among the students. Such understanding is necessary on the part of both black and white students. But it is particularly important for the white students since they represent the majority and their views will therefore be decisive. By directly encouraging racial understanding during the farmative years, television has the capability of providing the basis for integrated education.

The second way in which television can work together with teachers for integrated education is by providing compensatory learning experiences for those children who need them. One of the most powerful reasons for racial discord in the classroom is that, through no fault of their own, children of different races and ethnic groups often have different levels of educational attainment. Black, Mexican-American, Puerto Rican, and Indian children typically have not had the opportunity for educational advancement of most other American children. As a result, in school, they often seem to their peers, themselves, and perhaps sometimes to their teachers, less intelligent than others of the same age. This leads to a process of stereotyping by themselves and by others, and it often results in conflict; it also leads to feelings of inferiority which in turn reinforce differences in educational success. In other words, underprivileged children often continue to learn less because they feel that they cannot learn.

We feel that this process can be circumvented to a large degree by the power of television. While watching television the child is not directly subjected to the attitudes of his immediate peers. By waching programs especially tailored to compensate for his educational deprivation, he is better able to raise his educational level to theirs. We know that this strategy is effective because it was the strategy adoped by the producers of "Sesame Street." A study of the effect of this program on preschool children conducted by the Educational Testing

Service of Princeton, N.J., compared advantaged and disadvantaged viewers. Among the children who viewed the program most regularly, the disadvantaged learned 9 percent more than the advantaged did. Effectively, then, the program dramatically reversed the usual tendency of advantaged children to learn more than the disadvantaged. These disadvantaged preschoolers, most of whom are members of racial minorities, will better be able to attend school on an equal basis with other children.

While "Sesame Street" was directed primarily at preschoolers, the need for compensatory education exists at all age levels. Harmful racial attitudes have taken their toll on many children who are already in school or who have left school. These children, too, deserve an equal chance at education. Using television, it is possible to produce quality programing for disadvantaged children of all ages. For instance, in my report prepared for the Corporation for Public Broadcasting entitled "Instructional Broadcasting: A Design for the Future," I suggested that television has great potential for presenting high school equivalency courses. Nationally or regionally produced courses could be of much higher quality than those currently being prepared at the local level, and they could deliver high school equivalency education in the home at a much lower per pupil cost than any other educational system. Since many school dropouts are members of racial minorities, high school equivalency education over television could help to achieve equal educational opportunity for higher age groups just as "Sesame Street" has for preschoolers.

To interpolate one other fact, Senator, I think I am correct in stating that we now have over 60 million adults in our country over the age of 25 who have never graduated from high school. My point is that television has a large role to play there, as well as in the preschool group.

Senator Mondale. But how many who cannot read or write?

Dr. Perkins. Of them, probably 15 or 20 percent are functionally illiterate.

In conclusion, television can provide integrated education; it can provide compensatory education and encourage racial understanding which makes integrated classroom education easier. The promise of television is great, and we know that that promise can be realized. The prime example of this is "Sesame Street." The program has been widely acclaimed by parents, educators, and children themselves for its effectiveness in fostering racial understanding and in providing a valuable educational experience. Writing to Mrs. Joan Ganz Cooney, the executive director of Children's Television Workshop, a Headstart teacher said, "The black children in my class feel very good about seeing so many black children on this show." Also writing to Mrs. Cooney, President Nixon said, "The Children's Television Workshop certainly deserves the high praise it has been getting from young and old alike in every corner of the Nation. This administration is enthusiastically committed to opening up opportunities for every youngster, particularly during his first 5 years of life, and is pleased to be among the sponsors of your distinguished program."

"Sesame Street" is a highly successful experiment. It shows that the promise of television to provide and encourage quality integrated education can be realized. It is now up to those of us who believe in such education to take the next step: to build upon the experience of

"Sesame Street" by developing quality educational television programing for children of all ages. We very much hope that this committee and the Congress will see the importance of such programs.

Senator **Mondale**. Thank you very much for a most useful statement. Dr. Morrisett, did you have a statement?

Dr. **Morrisett**. This is joint testimony that we both prepared.

Senator **Pell**. Very well. Senator Javits has been very interested in preschool education programs. He and I have often cosponsored legislation. Senator Javits

Senator **Javits**. Thank you very much, Mr. Chairman.

I am delighted to see my very good and old friend, Dr. Perkins, before us and we welcome Dr. Morrisett.

TELEVISION FOR ADULT EDUCATION

Of course, you realize, I am sure, Dr. Perkins, that your testimony on television for adult education is somewhat outside the compass of this particular set of hearings. I would suggest, however, that it is extremely pertinent to the work of our education subcommittee, of which Senator Pell is the chairman, in other areas, and I would ask unanimous consent, Mr. Chairman, that the testimony of Dr. Perkins insofar as it relates to adults may be available for inclusion in whatever record we make this year on adult education because I think it is critically important.

Senator **Pell**. Excellent idea, and it will be done.

Senator **Javits**. Of course, I thoroughly agree with you with respect to adult education. The adult education bill, signed into law in April of 1970 as title III of Public Law 91–230, is my own and I am very proud of it.

Incidentally, our estimate of costs was higher than yours. We thought it would cost $75 million to really get an adult television program off the ground. So, if we could, could we submit our figures to you and get your critical comment and then include that in the record of your testimony? I would be happier if the figure were less.

Dr. **Perkins**. Senator, I was not clear. I was not giving a dollar figure. I was giving the number of people over 25 who have not finished high school. I gave no dollar figure at all. I do not know what that number is.

Senator **Javits**. I got your dollar figure out of your report, "Instructional Broadcasting: A Design for the Future."

Dr. **Perkins**. Out of my report, not out of my testimony.

Senator **Javits**. I would like, if you could, to complete this record, to have that in the record.

SET-ASIDE IN MONDALE BILL

Now, as to the children, Senator Mondale's bill does carry a provision for television in section 10. You strongly urge that we deal with it, and I think I have little doubt that we will, whether it is by means of his bill or the administration's bill, or what I hope would be an amalgam of both. But can you tell us, aside from the excellent example of "Sesame Street," how do you think that we could protect ourselves against the evils of negative programing? What methodology or organizational structure would you suggest?

Dr. PERKINS. Just before you came in, Senator, I indicated that Dr. Morrisett and I were dividing the responsibility. He was going to answer the questions. I will pick up those that might need some embellishment, so I would like the question to be turned over to Dr. Morrisett, if that is all right.

Dr. MORRISETT. Senator, as I understand your question, it is, in the passage of such legislation, how can you protect against the misuse of funds in the production of children's programing?

Senator JAVITS. Right. "Sesame Street," after all, is self-expressing. It is just that Joan Cooney happens to be terrific, and so are you, obviously, in running this thing. But how do we protect ourselves so we can set a standard of excellence, like Senator Mondale wants to set for schools? How do we set a standard of excellence for the money we are going to spend on TV?

Dr. MORRISETT. Section 10 of the bill includes language requiring that recipients of such funds conduct appropriate research and evaluation. In the development of "Sesame Street" and in the production of it, one vital element in it has been continual research on the effects that small segments of the show and total shows have on groups of children of the same kind that will be subsequently viewing it over the air.

So with this form of research and continuous evaluation, it is possible for the producers of the television show to assure themselves in advance that it will have the kinds of positive effects that they desire and are demanded in the act.

I think that it is only through the provision of such research and evaluation that you can assure yourselves of positive effects in the expenditure of the funds.

Senator JAVITS. How do we monitor it on the Federal level? That is what I am interested in.

Dr. MORRISETT. The agency that administers the bill should be capable of assuring itself in the way that such agencies as the National Institute of Mental Health have in the past, for example, that appropriate expertise is being brought to bear on that research. The criteria used for the judgment as to whether that expertise is being brought to bear I think can readily be developed, given appropriate consultation.

Senator JAVITS. So that the evaluative aspect would have to be in the agency administering the resources. In other words, you would have to have a string on the money in order to really give oversight to the question of excellence in the programs?

Dr. MORRISETT. The agency certainly would have to have the capability of making the judgments about the appropriateness of the research being conducted.

Senator JAVITS. And would have to have a very important evaluation function?

Dr. MORRISETT. That is correct.

Senator JAVITS. Thank you.

Dr. PERKINS. Senator, could I just add a word to this very important point you made—the question you have raised. It would be something like this: That this is a generalizable problem, which you know about more than most; where you have a publicly supported activity, the problem of guaranteeing excellence is no small matter and I guess we have learned over the last decades a few rules of the game.

I suspect one of them would be that the intent of the Congress has to be clearly stated. I guess the interest of those who are professionally engaged in the topic must be present; that is, they must follow the legislation both during this period and afterward. The instrument that is setting it up must be responsible but it must have enough independence so that, as Senator Pell and Senator Mondale were saying earlier, the administration of the act is not subjected to just whimsy and a variety of pressure groups both in and out of Congress that would distribute money over so thin a band that you end up with nothing. So that is the third rule of the game.

Fourth, it has to be evaluated but not by the people who made the decision to start the program. Somehow or other, people who evaluate their own programs have a very hard time seeing it objectively. That may not be true in the Senate, but it is true in television.

These are rules we have learned about it and if they are applied we can guarantee that good programs will come out. But one final point, and that is that I think in this kind of business, in education generally, we work on the opposite of Gresham's law. In finance, I am told bad money pushes out good. In education, good ideas push out bad. Unless you have good ideas, the bad and mediocre programs will persist; "Sesame Street" has crowded poorer programs off the screen.

That is what we have to hope to do all the way around.

Senator JAVITS. Thank you.

Senator PELL. Thank you. I realize that you are primarily interested in the television portion of this bill, but have you had a chance to look at both bills?

Dr. PERKINS. My colleague is an authority on both bills, Senator.

Dr. MORRISETT. That slightly overstates it, sir.

Senator PELL. As I understand it, you would prefer the Mondale bill to the administration bill; is that a correct statement?

Mr. MORRISETT. That is correct.

Senator PELL. If you were left with the alternative of no bill or the administration bill, which would you choose?

Dr. MORRISETT. On the basis of the evidence that we have heard that has been presented as to the possible negative effects of money spent without appropriate targeting, I would have to say that the evidence leads me to say that no bill would be better than the administration bill.

Senator PELL. I am very curious about the effects of television. Do you think, as a general rule, the American people have been improved or helped by television? Are we a better people for it, has it been harmful, or has it made no real difference? It is a broad question and I am very interested in your reaction. I recognize the good news programs have had very positive effects, but also I wonder if the sort of excitement and greed that the commercials arouse have ill effects which overbalance the good effects.

I would be very interested in your view philosophically.

Dr. MORRISETT. My answer, Senator, is obviously a subjective one. There is no definitive evidence that would prove this one way or the other. But it seems to me that on the whole, television has had a beneficial effect and I think that this is true even taking into account the obvious negative effects it has.

It has been beneficial in that it has provided people throughout the United States with a common experience, a common experience in a dramatic way that no other medium has provided to so many people of all geographical regions and all income levels.

Senator Pell. Has this not also meant that many children just do not read as much as they used to?

Mr. Morrisett. The indication is that television—and again, the evidence is not decisive here—the indication is that television encourages the development of vocabulary at an early age which, in turn, tends to encourage reading. Children like to read about the things they see on television.

Senator Pell. Have there been any studies on the per capita reading of books now as opposed to 20 years ago before television?

Dr. Morrisett. I know of no such studies but the sales of books have steadily increased.

Senator Pell. Of course, that might be related to our improving economy, too.

Dr. Morrisett. That is quite right.

Senator Pell. But on balance, you believe the American people are better off for the invention of television?

Dr. Morrisett. Because of the common experience on one hand, and because minority groups, poor people, rural people have seen the possibility of improving their lot and this has changed their motivation to do so.

Senator Pell. Now, you also are familiar with other television programs around the world. Where do you think the American television rates, not in technical competence, but in social advantage or utility compared with other television offerings around the world?

Dr. Morrissett. The American television experience is practically unique in the world, because whereas most countries in the world have government controlled and government dominated television, we have had a relatively free system of television.

As a result of this, some of the effects that television has produced in the United States are quite different from those in the rest of the world. We are clearly technically in advance of the rest of the world. We have not, in my opinion, gone nearly as far as we need to in thinking of television as an educational instrument in our society and part of the common learning experience of everyone.

It seems to me that only when television assumes the responsibility that it, indeed, has, that it is educating people all the time and must do so in a positive way, that each television producer and director considers it his responsibility to make some small contribution in this way, will we make television in the United States the instrument of value that it can become.

Senator Pell. Do you think it has a somewhat narcotic effect?

Dr. Morrissett. This, of course, was one of the suggestions that was made when we began to introduce "Sesame Street." However, once you watch children watching television and see how they react to appropriately presented material, you find that they sing along with shows; they get up and dance appropriately in terms of the rhythm or music that comes on shows. They talk about the shows with their peers. They act and imitate people that they see on shows.

So that I would say, given the desire and intent of a program to produce activity in children, it will do so.

You can, of course, produce shows—and there are many on television—that do have more of a narcotic effect. It can be used for good or ill.

Senator MONDALE. What evidence is there that the integrated performers on Sesame Street may have, through their performances and those who have watched it, created intergroup understanding? Your testimony implies or says it did. Do we have any evidence that there are changed attitudes, that it does bring about a more natural and understanding attitude?

Dr. MORRISETT. Senator, for such evidence we have largely to depend upon the volunteered information on the part of parents and students who have watched the show. I would like to read one or two comments that I think are indicative of the typical comments that we receive from around the Nation. These happen to be from people in Alabama, but I think that they are quite typical of those we received from elsewhere.

The first is from a white parent who says:

> I am aware that the program is aimed primarily at the black ghetto child who has no opportunity to attend kindergarten, and I would like to say that although I am a white Southerner, the program has never offended me or my husband for the simple reason that race is not stressed, only learning.

Another comment from a white family is:

> Our family is white, yet after seeing the program, race does not matter to anyone.

A more extended comment, and I think this comes from a black parent, is:

> Perhaps the best thing that has come from this series, and we are regular viewers, is this: Amid the troubles, lack of understanding and seeming dislike for one's neighbors, be he a different color, age, nationality or sex, that is broadcast so loudly in the news today, my child turned to me the other day and said, "All the neighbors on Sesame Street get along." If nothing else, perhaps he has learned that through simple acts of kindness and understanding we can all get along.

Senator MONDALE. If you have other examples, without going too long, we can put them in the record.

Dr. MORRISETT. We have literally hundreds of letters like this.

Senator MONDALE. Is it your personal judgment that, in fact, those comments indicate that Sesame Street is not only improving the cognitive learning skills of these children but their attitudes toward other races and minorities?

Dr. MORRISETT. I think that from comments like this and from the information we receive from teachers, there is no question but that children, after watching programs like Sesame Street, have a much more natural attitude toward children that are different than they are, and that this produces a much more harmonious set of relationships among the races.

Senator MONDALE. Now, how much was spent on the production of Sesame Street?

Dr. MORRISETT. The first year's production, including the development of the program, cost approximately $7.3 million.

Senator MONDALE. Now, as I understand it, Sesame Street people would like to expand the scope of its educational television efforts to go into some more advanced areas, to reach school-age children, reading and so on. Is that correct?

Dr. MORRISETT. That is correct. Children's Television Workshop currently is developing—and hopes to air in the fall of this year—a program aimed at second to fourth grade children designed specifically to help those who are having trouble learning to read.

Senator MONDALE. Do you have reason to believe that could be effective over television?

Dr. MORRISETT. Again, a similar kind of research is going on, testing out segments of the show on children similar to those of the target audience; that is, 7- to 10-year-olds who are having difficulty learning to read; and so far, the evidence is very encouraging.

Senator MONDALE. In our bill, section 10, we propose to set aside 5 percent or $75 million for educational television, integrated performers, cultural materials, and the rest. Do you have any notions about whether that is enough or too little or too much?

Dr. PERKINS. What age span are you planning to cover with this?

Senator MONDALE. We are very open about it. We could leave that up to the Commissioner of Education, but it could go from the youngest through high school.

Dr. MORRISETT. I think both of us may want to give some answer to that question. My answer would be in two parts.

When we began to develop Sesame Street, one of the major obstacles to overcome was that there was no simple source of funding that could be found. There was no specific legislatively set aside portion of funds that could be devoted to Sesame Street. So the problem was to get the coordination of several different governmental and private agencies. This was happily accomplished, but it was a difficult job.

As a result of thhe lack of one source of funds, people have not been encouraged to develop the organizations nor the amalgamation of talent to do on television what it is possible to do.

Given a sum such as $75 million devoted to this purpose, I would expect that there would be several organizations in the country that would find themselves encouraged to put in the time and effort to provide this kind of programing. However, I do not think the amount of talent immediately available—that is, within a year or two—is likely to greatly exceed the amount of money that you have specified in the bill.

Senator MONDALE. So that, as sort of a ballpark figure——

Dr. MORRISETT. I think it is a good ballpark figure.

Senator MONDALE. Realizing that it is just difficult to estimate, this looks like a fairly reasonable figure?

Dr. MORRISETT. It certainly seems to me a reasonable figure to start with until you have more information about the kinds of programing that can be developed and the demand for such funds.

Dr. PERKINS. I would agree with that, Senator. I think the number that my colleague, Dr. Morrisett, has used here with "Sesame Street", while varying with age groups and the kind of program, is one to keep in mind. We are talking about roughly $5 million for a program hour per 5-day week—for how many weeks in the year?

Dr. MORRISETT. For 26 weeks.

Dr. PERKINS. It is a little less than the academic year but not much. So if you are talking about other levels, where educational instruction can be useful, the $75 million—if my arithmetic is correct—will produce something like 15 hours of similar type programing. I would agree with Dr. Morrisett, that would be a good place to start, and if that were available, there are various parts of the educational process where this kind of money could be very usefully employed.

But I think any much larger figure right now would be more than necessary.

Senator **Mondale**. I was surprised to find the number of children from the most disadvantaged communities which were watching this program, the number of preschool children. As the Chairman knows, many of us have been trying to do something in the preschool period. There has been a lot of rhetoric, and it is sort of the part of the common wisdom now that we have been ignoring the first 5 years of life, but we are really not doing much of anything.

We have got a very small Headstart program that reaches at the most 400,000 children, usually at age 5—somewhere in there—a few pilot parent and child centers around the country, and except for the children of the wealthy, who are able to jointly fund some really quality preschool educational environments for their own children—except for that, thre really is not much.

So that the most disadvantaged children, from the poorest backgrounds, are still largely beyond any effort in the cognitive field or in the human field, and the only thing that I know that has reached them has been "Sesame Street."

Now, I was told, for example, that 80 percent of the preschool children in Bedford-Stuyvesant watched "Sesame Street." Is that correct?

Dr. **Morrisett**. Based on the survey that we had conducted in that area, that is approximately correct, yes.

Senator **Mondale**. And they are able to somehow buy sets, television sets?

Dr. **Morrisett**. Television sets are distributed in the United States so that, practically speaking, every American household has at least one television set. The precise figure would be somewhere on the order of 96 percent of the American households.

Senator **Mondale**. That is without respect to economics or geography?

Dr. **Morrisett**. It differs hardly at all by economic level or educational background or any other——

Senator **Mondale**. Do you have some figures on the availability of television for the very poor that we could put in the record?

Dr. **Morrisett**. Senator, in the statement we have submitted, there are figures on that.

Senator **Mondale**. You have the 95-percent figure. Is that—in other words, if I were wealthy and I have eight sets in the house, does that go into an average per capita, or how does that work?

Dr. **Perkins**. Our statement was fairly carefully designed, Senator. It says this: over 95 percent of American households in all sections of the country and of all income levels own at least one television set. That is not a per capita figure and it is not skewered by the fact that people own three or four.

Senator **Mondale**. I am a little skeptical. I have spent a lot of time with poor people, in homes and migrant camps and Indian reservations, and not too many of them have television sets.

Dr. **Perkins**. I am skeptical, too, but everybody that goes after the figure comes up with the same number.

Senator MONDALE. It may be that the urban poor is a different thing. I do not know.

Dr. PERKINS. It would change this a great deal because that is where the people are.

Senator MONDALE. If there is any further data on this, if I could know about it—your survey in Bedford-Stuyvesant would certainly indicate that there is broad availability there.

The second thing is that apparently the Princeton study showed these children did learn, and you mentioned that briefly.

Dr. MORRISETT. Yes.

Senator MONDALE. Would you just spell that out a little bit—what kind of cognitive dividend flowed from these preschool Sesame Street-type of programs and how did they teach? How would you describe it?

Dr. MORRISETT. I would be happy to do that, Senator, and it might be helpful if we submitted that study to your committee.

Senator MONDALE. I think we have it, but you are very close to this and sometimes it helps those of us who are awfully busy just to hear a layman's definition, because we get mounds of these reports which our staffs read.

Dr. MORRISETT. Simply put, the Educational Testing Service study examined children in several locations throughout the country some of whom watched Sesame Street and some of whom did not watch Sesame Street. The sample was put together so that it included largely children from poor families. In other words, it was constructed to resemble the audience we were trying to reach, children of disadvantaged backgrounds and poor families. The overall finding is that the more a child watched the show the more he learned. This was true across all tested levels of learning; that is, he learned more in the area of letters and numbers; he learned more about concepts; he learned more about body parts; he learned more about simple relations. The more the child watched the more he learned in all these areas.

Two of the most dramatic findings I would like to mention. One we have pointed out in our testimony; that is, among the children that watched the most, the disadvantaged child learned on the average 9 percent more than the advantaged child.

Senator MONDALE. That is his grades and basic skills, or he learned 9 percent more of what was being taught than the advantaged child?

Dr. MORRISETT. That is right.

Senator MONDALE. How do you explain that? Does he watch more?

Dr. MORRISETT. No. Viewing, in this case, was equivalent. I think it is explainable on two bases. One is that he had more to learn; and the second is that the information being provided was being targeted specifically for his needs, so that perhaps he had more motivation to learn than the advantaged child.

The other dramatic finding I would like to mention, based on a very small sample of Spanish-speaking children, is that Spanish-speaking children in this study learned more than any other single group. These were those that did not speak English but were watching the show, and in terms of their testing performance they gained more than any other group.

Senator MONDALE. Even though the program is in English. I wonder what explained that?

Dr. Morrisett. Again, they have more to learn. We are following up that result in our research this year and we hope to provide more information about it because this was a surprising finding to us and an unexpected one.

Dr. Perkins. It sounds like the animators were better than the verbalizers.

Senator Mondale. Apparently, the survey found that encouragement by mothers was the highest correlation with learning; that is, the more the mothers encouraged the child to watch and listen and learn, the better the child did. Is there any way of dealing with that aspect of television?

Dr. Morrisett. Yes, I think there definitely is. In the development of Sesame Street, one of our ideas from the beginning was that the show had to appeal to parents as well as children. Even though it was targeted precisely at 3- to 5-year-olds, we felt it had to have enough humor, enough attractiveness and enough sound content so that parents would want to watch the show along with their children and, indeed, we found this to be quite a strong effect.

There is considerable evidence that if you have a well-developed television show that it is highly possible to construct it in such a fashion that it has different appeals for different age levels, enabling parents to watch with their children, each getting their own kind of enjoyment out of it and being able to talk about the program with each other.

Senator Mondale. In your opinion, what is the greatest educational potential of television, television broadcasts in the home like "Sesame Street" or television incorporated as part of a lesson in a classroom?

Dr. Morrisett. It seems to me, Senator, that to accomplish the educational goals of our country, the home has to reinforce what goes on in the classroom, and that one of the effects that is causing disruption in schools today is that we are tending to separate too much schools from home from work.

So my immediate answers to your question would be that television can have an extremely important effect in the home because it is, practically speaking, universally available. The child can turn it on when he wants to. It is there when he needs it if there is programing available. It can also have a beneficial effect in the classroom where you have the additional advantage of a teacher that can do other things that the television set cannot do.

I think it can be a useful supplement in the classroom, and in the home it can provide something that so far we have no other way of providing.

Senator Mondale. What would be the effect of spreading the TV funds out over 200 TV stations instead of concentrating the funds on program production in a more limited manner?

Dr. Morrisett. I did not hear the first part of your statement.

Senator Mondale. Suppose $75 million were set aside for educational television. I think there is going to be a demand all over this country for a chunk of it, and it may be spread out very thinly among many stations, many local organizations. Would you find that the preferable way to proceed, or is there some reason to try to concentrate funding, and if so, why?

Dr. Morrisett. In using television for educational purposes, you are inevitably competing with the other fare that is already on television. This is very largely commercial fare. The favored children's programs tend to be well produced. Things such as "Batman," the children's cartoons on a Saturday morning, before the advent of "Sesame Street," were by far the most popular programs on television for children.

If you are going to compete for the child's attention against that material, it is impossible to do so unless you have professionally produced television programs. If you dilute the expenditure of money by giving it to, for example, 200 different locations, you will end up with a series of well-intentioned but not professionally produced shows that will not command the audience because they simply cannot compete against well-produced, professionally produced programs that are put over commercial television.

Senator **Mondale**. So it has been the quality of production, the planning, the quality of performers, the sophistication of the educational input that has made the difference in "Sesame Street"?

Dr. **Morrisett**. Definitely.

Senator **Mondale**. I think this has been one of the disappointments in educational television. The emphasis has been on transmission and not on production. So, for some reason, the college professor sitting behind a desk lecturing on chemical biology has just not been able to compete with some of these other programs. Teachers are not any more interesting on TV than they were in the classroom.

Dr. **Perkins**. Probably less, because it is harder to avoid.

Senator, the point you make is a point that I dealt with in the report that I referred to that we just made to the Corporation for Public Broadcasting, and that report reinforces what Dr. Morrisett said and what you suggest; namely, that it now requires quality programs to get the attention of the children. And quality programs, we know, require a concentration of very scarce talent, both in the production, animation, color and lighting, and all of that. That is not to be found just anywhere, and it would be very hard to believe that within the next year or two there could be more than, let's say, 10 places that could bring together the amount of talent and skills necessary to produce programs of the first quality.

The next thing is, a lot of that money, Senator—or some of it—has to be put into research before the film is ever produced, and in evaluation afterward. If you are talking about a $5 million budget, or something roughly like that, $1 million of it ought to go for preliminary research and $1 million of it for evaluation, if a whole program is going to be useful.

So I think it is absolutely imperative, if that $75 million is not to be wasted, that there not be more than half a dozen places in which that money is actually spent, be they in a public instrument or in a private body like Children's Television Workshop, or in a new public or semipublic foundation to be set up for this particular purpose.

Senator **Mondale**. Just a few more questions. The "Sesame Street" program in this area appears on UHF. It is not on the regular commercial channels; the reception is not as good and many of the sets are older sets and do not have UHF receivership, and so on. Of course, that is one problem. But one of the things that I do not quite understand is why do they not take "Sesame Street" type programs and play them Saturday morning on the national networks and permit them to be sponsored by commercial firms. Certainly, they would be better than a lot of the junk kids are watching, and presumably just as interesting, and they would reach millions more than they reach today.

Why is that not being done?

Dr. Morrisett. There are several cities in the country, New York and Chicago I would mention as two, where "Sesame Street" is broadcast for several hours each Saturday morning. It happens that——

Senator Mondale. On commercial channels?

Dr. Morisett. These are noncommercial, but VHF channels, so they are competitive with commercial channels. In Chicago, that has been made possible by a contribution from a commercial firm.

Senator Mondale. That makes a big difference, does it not, when it is on those channels?

Dr. Morrisett. Indeed it does. We cannot sweep aside the problem that educational television has with the many UHF or ultra-high-frequency stations. It is simply true that they are harder to receive and they are not as effective in reaching the audience as the VHF stations are.

To partially overcome this, in the distribution of "Sesame Street," "Sesame Street" is shown on a number of commercial channels throughout the Nation, particularly in areas where UHF reception is difficult.

Senator Mondale. It is sponsored by private firms?

Dr. Morrisett. In some cases it is made possible by a public service donation by the stations, and in some cases it is made possible by a contribtuion from another organization.

Senator Mondale. If I were General Mills and I wanted to junk my kids' program Saturday morning and sponsor "Sesame Street," could I do that now?

Dr. Morrisett. You could not do it in terms of inserting your advertising in the show. You could certainly do it by making a contribution to an appropriate television channel for air time; yes.

Senator Mondale. Of course, that is the hangup. You have to sell stuff, and the deal is that you put on something that is entertaining so you can slip a commercial or two in, and that justifies the expenditure.

Today, I gather from your answer, you could not take "Sesame Street" and sponsor it commercially and insert advertisements in around the program?

Dr. Morrisett. That is correct. In the development of "Sesame Street," "one of the early values that we adopted and adhere to is that it is important in dealing with children, particularly those of the young age, not to unfairly exploit them. Therefore, in presenting educational material to them that we wanted to be able to say had uniform educational value, we felt that it was extremely important that there be no interruptions in the show that had anything other than educational value.

So we decided, and are firm in the belief, that in children's programing of the kind we are presenting, it is inappropriate to insert normal commercials within a program.

Dr. Perkins. There is an educational factor here, too, Senator, that, of course, Dr. Morrissett would wish to speak to perhaps. That is, that an interruption, whatever it may be, takes the children out of the world to which this show has introduced them, and they do not get back into it right away. It is like having somebody play a bit of rock music during a 10-minute break in an exam. It does not exactly make it so easy to come right back to just where you were.

So I think it is a factor, Lloyd, that the noninterruption was as important as the noninterruption for commercial reasons or for any reasons. It breaks the thread of continuity, the world of imagination that has been created, and to break that and say "Now, there is going to be a 5-minute break while we put in 30 seconds of"——

Senator **Mondale**. What I am getting at, you know we have this massive multimillion population sitting there. Television is the biggest thing happening every Saturday morning in this country, millions of kids in front of their television sets watching this junk. If we could match these quality produced educational integrated shows with the responsible commercial interests, we could get the superior positions on the television channels and far better programs on television. If, for example, the commercials were required to be at either end of the program and not broken up in the middle, and maybe with some other restrictions in the advertising, would we not spread these magnificent programs much broader and more quickly than we do today? I do not know.

Dr. **Morrisett**. The answer is, yes, we would.

Dr. **Perkins**. Yes. You might want to consider, Senator, some legislation that would make it possible for Dr. Morrisett to command the commercial television airways in the same way the President of the United States can with a public statement. You could get Sesame Street on Saturday morning through all of the networks at once and you would accomplish your purpose. But that may be difficult to achieve.

Senator **Mondale**. It would be too much fantasy.

Of course, your testimony here, insofar as section 10 is concerned, is consistent with a very strong support of the funding for the Corporation for Public Broadcasting, is it not?

Dr. **Perkins**. Yes.

Senator **Mondale**. Mr. Chairman, I have a letter that I would like to put in the record. I have a letter to you from Mr. Holving, chairman of the national citizens committee for broadcasting, strongly supporting section 10.

Senator **Pell**. That will be inserted in the record without objection.

Senator **Mondale**. I would like to have included in the record, or at least in the files, a study entitled "Instructional Broadcasting: A Design for the Future" and Mr. Morrisett's essay entitled "The Age of Television and Television Age," and a list of other organizations supporting section 10.

Senator **Pell**. They will all be incorporated in the record at this poing.

(The information referred to follows:)

NATIONAL CITIZENS COMMITTEE FOR BROADCASTING

1145 NINETEENTH STREET N.W., WASHINGTON, D.C. 20036, TELEPHONE (202) 833-8560

THOMAS P. F. HOVING, Chairman
WARREN BRAREN, Executive Director

March 15, 1971

Senator Claiborne Pell
Chairman, Senate Education Subcommittee
Room 4230
United States Senate
Washington, D.C. 20510

Dear Senator Pell:

We would like to draw your attention to a most important provision of S. 683, the Bill introduced by Senator Mondale and 20 other Senators. Section 10 of this Bill is extremely important for the integrated education of our nation's children and essential to the possibility that all Americans can one day hope to live in a society free of racial tension.

We strongly support this provision and any legislation embodying its principles. In addition, we ask you to include this letter in the printed record of your hearings.

Section 10 may well be the most important part of any school desegregation Bill Congress can create. If integration is ever to work, our children, during their crucial preschool years, must be exposed in a positive manner to the lifestyles and backgrounds of the various racial and ethnic groups that form American society.

For most American families no such exposure is possible without the help of television. Sesame Street has demonstrated that young children, given the opportunity, will watch high quality, racially integrated programs designed for them. But Sesame Street shows us not only what can be achieved, but also how much more needs to be done, for the hours spent watching Sesame Street are only a tiny fraction of the time a child spends watching television.

It is now demonstrated--and President Nixon himself quoted the statistics--that children spend more hours watching television than they spend in school. In effect, several years of heavy television viewing precede their years in school. Mary Allen Goodman, the noted social scientist, pointed out in her book, Race Awareness in Young Children, that children form their racial attitudes between the ages of 3 to 5 years. What is more, it is precisely during these formative years that the child watches more television than during any other period of his adult life.

We have no doubt that programs created under Section 10 will contribute immensely to the education of American children who are being born into and raised in our nation's ghettos. And perhaps at least as important, we must recognize that such programs may perhaps provide the only integrated educational experience for the millions of white, middle class children caught in the isolation of American suburbs.

In closing, the National Citizens Committee for Broadcasting thanks the staff of the Senate Select Committee on Equal Educational Opportunity for requesting our comments on the school integration proposals now under study by your Committee.

Sincerely,

Thomas P. F. Hoving
Chairman

TH/ebc

INSTRUCTIONAL BROADCASTING: A DESIGN FOR THE FUTURE

Prepared for
The Corporation for Public Broadcasting
by the
International Council for Educational Development

January 15, 1971

"I'm convinced that 20 years from now we'll look back at our school system today and ask ourselves how we could have tolerated anything as primitive as education today. I think the pieces of an educational revolution are lying around unassembled, and I think we're going to put them together in the next few years."

John W. Gardner

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INSTRUCTIONAL BROADCASTING: A DESIGN FOR THE FUTURE

Prepared for

The Corporation for Public Broadcasting

by the

International Council for Educational Development

ORIGINS OF THE STUDY

In March, 1970, the Corporation for Public Broadcasting asked the International Council for Educational Development* to investigate the ways in which the Corporation could aid and promote the development of television and radio in education and instruction. As far as possible, the study was to suggest specific projects. (See Exhibit A in the Appendix)

During our investigation we came to realize that a solution cannot lie in the area of instructional broadcasting alone and that successful development of the great potential in instruction through television and radio required a fresh look at the whole educational system, both formal and non-formal. This is the essential theme of this report. Finally, we have stated our belief that instructional broadcasting will not come into its own unless it becomes a central part of a whole new system of education.

A small advisory panel was selected jointly by James A. Perkins, chairman of the board of the International Council for Educational Development, and John W. Macy, Jr., president of the Corporation for Public Broadcasting. The members of that panel are:

Dr. Frederick Breitenfeld, Jr.
Executive Director
Maryland Center for Public Broadcasting

Mr. Robert D. B. Carlisle
Director of Educational Projects
Corporation for Public Broadcasting

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* Formerly the Center for Educational Enquiry.

Mrs. Joan Ganz Cooney
President
Children's Television Workshop

Mr. Robert Curvin
Bureau of Community Services
University Extension Division
Rutgers University, Newark

Mr. Hartford N. Gunn
President
Public Broadcasting Service

Dr. Gerald S. Lesser
Laboratory of Human Development
Graduate School of Education
Harvard University

Mr. Lloyd Morrisett
President
Markle Foundation

Mr. Waldemar Nielsen
President
African-American Institute

Dr. Harold E. Wigren
Educational Television Consultant
National Education Association

The International Council for Educational Development appointed Richard S. Christian director of the project. George Eager, executive officer of the International Council for Educational Development, was also assigned to the study.

In addition to meetings of the panel as a whole and numerous meetings with the individual members, Messrs. Perkins, Eager and Christian have discussed the subject with many others having expertise or particular interests in aspects of educational television and radio. Those who have contributed important ideas are listed in the Appendix. (See Exhibit B)

This report has incorporated ideas and recommendations from all members of the Advisory Panel and has that group's endorsement.

I. INTRODUCTION: THE DIMENSIONS OF THE PROBLEM

First, a broad point needs to be made. The United States as a nation can be said historically to have three main strengths that relate to instructional broadcasting:

- A national capacity to set ideals in the realm of education; in particular, the ideal that every individual should have the opportunity to develop to his full potential. Toward this goal we have established more extensive public and private systems of secondary and higher education than any other nation.
- A technological genius for finding solutions to our problems, thus advancing man's capacity to satisfy his various wants and needs.
- A genius for organization that has made possible the creation of the kinds of institutions needed to manage our societal affairs.

In many fields, we have managed to combine our capacity for setting ideals with our technological capabilities and with our genius for organization. But in the field of education we have been long on ideals, short on technology, and much too rigid in our organization. We now find ourselves at a point where history has accelerated and is causing us to fall behind in our realization of educational ideals. What is called for is a new strategy.

Educational Needs

Our formal educational system staggers under the pressures of excessive numbers, demands for reform and modernization, and inadequate funds --

all at the same time. It desperately needs assistance in providing a better education at less cost.

There is also a rising demand for education and training that cannot be accommodated within the formal system. There are 30 million Americans who have no more than a grammar school education and 50 million over the age of 25 who do not have a high school diploma. There are four million unemployed and many millions more who are underemployed. These millions of citizens have available to them only the bits and pieces of a non-formal educational system. The opportunity and the demand for a more flexible educational system -- complete with instructional training, examinations, and appropriate certificates or degrees -- are rapidly coming into focus.

The formal system often requires the assistance of technology, including TV and radio, but a non-formal system must place technology at or near the core of its instructional arrangements.

Obviously, the need for first-rate instructional broadcasting is great. Why, then, the current disjunction between expectations and performance? Between visible need and actual demand? Between prospects and current capabilities?

Instructional Television and Radio (ITVR) in the Classroom*

We have generally neglected to train our teachers in the use of the media and, with other factors, this has resulted in resistance to the technology as a regular feature in many classrooms. There is rigidity in the timing of open-circuit broadcasting and there is a relatively low level of effectiveness in much of ITVR where the "talking face" or lecture format predominates. Finally, the steady pressure from educational innovators and manufacturers against the resistance of the establishment coupled with the decidedly insensitive salesmanship of those who produce the hardware has been detrimental to the progress of instructional broadcasting.

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* See Exhibit C in Appendix

From the point of view of the good teacher, it can be said that there are three tests governing the admission of something new into the system of the individual classroom. Is it convenient to do so or is it more trouble than it is worth? Does the content provide an element that the teacher considers indispensable, something that he cannot provide himself and that will otherwise be unavailable? Finally, what is the contribution to the effectiveness of the learning process?

A great mistake in ITVR has been the conventional approach to programming, the media have been used for the most part to attempt to do better what was already being done in the classroom. This approach is a direct threat to many teachers and has added nothing indispensable or new to the content of learning in the classroom.

The acceptance factor might have been different if the kinds of talent that a school could never alone obtain -- Leonard Bernstein teaching music or Danny Kaye teaching international relations to elementary school children -- could be brought to the classroom, talents who are great teachers and who add a dimension that would no longer be a threat but an indispensable addition.

With respect to the test of convenience, the traditional rigidity of broadcast timing may well be on the edge of disappearance because of electronic video recording, cassettes, the multiple channels of CATV, computer-assisted instruction, and other innovations.

In addition, there are some less visible causes of difficulty which are also steady deterrents to effective progress.

The first is that participation or non-participation in available technological developments for education is a locally oriented decision. Even given a positive decision on the part of a school or a system to participate, subsequent decisions on specific uses of ITVR are also made locally. Our school system is decentralized right down to the individual school building and the individual classroom.

ITVR programming is for the most part locally produced. Yet local production does not necessarily guarantee meeting local needs, specifically those of the classroom teacher. In fact, these programs are often not used in the classroom because local production centers simply cannot afford the talent and research that is necessary for quality programming. Some efforts have been made at regional production, e.g., the Eastern Educational

Network (EEN) and the National Instructional Television Center (NITC). However, in the absence of adequate funds for national instructional programming or expanded regional programming, local production will continue to predominate and the opportunity to inspire increased demand through higher quality and effectiveness will continue to be remote.

Another deterrent is the rapidly changing technology itself. Cable television, videorecords and computer-assisted instruction all foreshadow great changes that might make existing broadcast arrangements obsolete. It has thus been difficult to convince teachers and administrators to make large investments in current technology when they know very well that their new hardware may be obsolete by the end of a decade.

A cycle of relative frustration exists: many hands on many brakes and some built-in problems of educational doctrine; decentralized decision-making about use and program content; a changing technology; inadequate organization for bringing demand and potential into greater harmony; and above all too little money and talent for the effort required.

In spite of the foregoing critical analysis, we do not wish to overlook the fact that many hardworking teachers, producers, curriculum experts and others are creating materials that do work in local situations and are successful enough to enable the average PTV* station to earn 40% of its income from schools. There are many imaginative programs for classroom use, but even the most staunch defenders of ITVR willingly concede that the field requires an early and massive infusion of imagination, talent and money. And the greatest of these is money. In addition, it will be important to promote an awareness of what can be accomplished - a change of attitude on the part of school systems, educators, teachers, legislators and taxpayers.

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* Public television

II. RECOMMENDATIONS

We recommend that the CPB become the catalyst in a coalition designed to accelerate the inevitable -- the application of multi-institutional interests and capabilities to the solution of the nation's most pressing educational problems through greater use of the technology. There are restrictions on the Corporation for Public Broadcasting in providing leadership and support for ITVR. Its budget is not unlimited. It has financial and managerial responsibilities in other sectors of public broadcasting, including the maintenance and coordination of a network system and a concern for the financial health of the many public broadcasting stations. But the CPB does have an ITVR role and responsibility, both direct and indirect. This recommendation, and others, obviously requires cooperative action by other institutions and agencies in conjunction with the CPB.

CPB strategy will be more a matter of administrative wisdom than of legal restriction. However, the Corporation should consider:

1. modification of its enabling legislation and charter to reflect an expansion of interest and authority in the field of instructional programming, especially including greater flexibility with respect to technological developments beyond

that of open-circuit broadcasting;

2. modification of its name to make clear that its area of operation is greater than broadcasting alone;
3. modification of its Board to reflect more appropriately its expanded mission and purposes in the area of education.

Keeping in mind the catalytic role proposed for the Corporation in a multi-institutional attack on the nation's educational problems, our recommendations are specific projects for consideration.

After the programming recommendations, new structures and organization are suggested that will be necessary to produce and distribute these programs.

All this must take place in a new concept for an alternate, more flexible educational system, one that embraces all three of the essential ingredients: instruction, credit or examination, and certification or degree.*

Recommendations for Specific Projects

A. High School Equivalency

Half of the American population over 25 lacks a high school diploma, as do many younger persons who have dropped out of school. While we do not know how many would be interested in making up for lost education, we do know that the high school diploma is one of those necessary credentials -- the minimal educational passport to social and economic well-being in this nation. And as the Rosow memorandum on the blue-collar worker points out, the lack of educational opportunity is one of the great hindrances to bettering the lives of millions caught in the squeeze of limited wages, high taxes, and rising costs of living. As Rosow puts it, "Many white and black school dropouts are from [the] lower-middle-income group; in some of the urban areas the dropout rate for this group runs about 30%. Here we sense the stirrings of a new type of unfortunate cycle, as some of the children of these blue-collar workers are unable to achieve a reasonable entry into productive society."*

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* See Exhibits D and E in the Appendix.

Most instructional systems require the presence of three factors: a means of preparation, examinations or a credit system, and a certificate or degree. For a high school equivalency program, two of these three features already exist. All 50 states use a national examination system for equivalency, and all 50 states provide a high school equivalency diploma.

There are, however, practically no nationally organized systems of instruction to prepare for the examinations that lead to these certificates.**

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* Jerome Rosow, Assistant Secretary of Labor, "Memorandum for the Secretary; Subject: The Problem of the Blue Collar Worker." (See Appendix, Exhibit F,p.6)

** Some efforts have been made, e.g., WGHB-Boston's use of equivalency programs distributed by the Great Plains National Instructional Television Library, and McGraw-Hill's home study books for the equivalency examination, but these are exceptions. (The Kentucky Authority for Educational Television is currently planning to fund, create, and produce a television curriculum for high school equivalency and has committed $100,00 to the project. Through the Appalachian Regional Commission another $150,000 is likely. Investigation of this pioneering step is suggested.)

Our recommendation to the Corporation is that it assist in providing the missing piece: high-quality preparatory instruction through TV and radio courses for those seeking high school equivalency diplomas.

The development of specific and highly interesting courses equivalent to the junior and senior years of high school could certainly provide stimulating preparation for the three to four hundred thousand who currently take these exams. And if the material is of high quality and high interest, one can predict a doubling or tripling of the number of persons who would decide to get their certificates in this manner.

The motivation and personal initiative of some students will make it possible for them to undertake their equivalency preparation without assistance. But many will need personal help from time to time and will also require periodic encouragement to continue. For this reason, we believe that a system of tutorial assistance will be needed in conjunction with the preparatory instruction. WGBH, Boston, has had valuable experience with tutors used in its TV High School project. (See Exhibit E, Appendix)

In the final section of this report we present estimates of the costs involved in setting up and maintaining programming for high school equivalency.

B. College Level Instruction

A second major national need in education is for ways to accommodate the great numbers of students who want and need post-secondary instruction. Alternatives to the present formal institutions are an immediate necessity.

Yet, at the college level, there is no statewide or nationwide system -- outside the formal structures -- that provides the three necessary components: degrees, examinations, and preparatory instruction. There exists here the same opportunity as at the high school level to use the media as the cornerstone of a non-formal system that would lead to degrees.

We recommend to the Corporation that it join with those who are now considering a non-formal system of instructional preparation, examinations, and degrees at the junior college and college levels. In doing so, the Corporation should offer -- as its contribution and interest in what is clearly a multi-institutional undertaking -- to develop the area of programming for the necessary preparatory instruction.

The timing seems right. In Ewald B. Nyquist's September inaugural address as commissioner of education of the State of New York, he supported the idea of a college equivalency degree " ... regardless of how the candidates have prepared themselves," to be offered by the Regents.* If the Regents were to undertake this, much of the examination material has already been prepared by the work over the past fifteen years of the College Entrance Examination Board (CEEB) and the Educational Testing Service (ETS). There exist a five-year-old College Level Examination Program which offers exams in thirty-three fields and an even older and more established system of examinations - The College Proficiency Examination Program of the Regents of the State of New York.

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* "The Idea of the University of the State of New York," inaugural address of Ewald B. Nyquist. (See Exhibit G, p. 12, in the Appendix)

As recently as October 27, Alan Pifer, president of the Carnegie Corporation of New York, discussed the idea and the opportunity in a speech before the annual meeting of the College Entrance Examination Board. The New York Times (October 28) quoted Mr. Pifer as saying, "The time has come for a substantial experiment with a new kind of degree that can be earned outside the normal institutional framework." The article went on to report the formation by the CEEB and ETS of an Office of Extramural Degree Plans to investigate the potential audience for the external degree and how it might best be administered, and to assemble appropriate tests and services.

It would appear that for the first time there is the compatibility of interests between a number of institutions that provides an exciting, appropriate, and much needed direction for the future of ITVR; and the role of the Corporation is unmistakable.

It is recommended that:

- the CPB encourage, in the planned investigation, a close look at the following factors -
  - a. the diversity of degrees to be offered: there will be people seeking general degrees at each level -- two year and four year (by present formal system time standards) -- as well as others interested in professional and vocationally oriented education at both levels.
  - b. creation of new degrees: for example, the growing need for paraprofessionals in medicine and teaching may lead within the decade to a demand for new types of degrees appropriate to these fields.

c. innovations in structure and content: since nothing like this has ever been done before, the proposed non-formal system may be able to undertake a great many innovations. Just as one example, it will certainly wish to break away altogether from the notion of 2-year and 4-year study programs and move toward tailoring the study period for a degree to such factors as the particular subject matter, the initiative and competence of the student, and the other, non-educational demands on the student's time.

d. the readiness of one or two states -- obviously New York is a prime candidate and perhaps North Carolina offers a worthy alternative -- to serve as the "demonstration areas" for such a project. Clearly, cooperation with one or two states suggests close liaison with them on the development of specific courses that will meet the most pressing needs within the individual states.

We cite the above simply as brief examples of the many kinds of options that would be available in helping to organize a non-formal instructional system.*

It is not intended or suggested that the non-formal system be a substitute for the increasing efforts of colleges and universities to open their doors to minority groups in significant numbers. Opportunities to join the college or university environment still represent a unique experience and they should not only continue but be further encouraged. An alternative, non-formal system, however, will touch millions of Americans of all social and economic circumstances who, because of work schedules, geographical location, medical problems, etc., have no access to appropriate parts of the formal system.

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* The potential costs and possible timetable for such an undertaking are treated in the last section of this report.

C. Vocational Training

Another educational need that has come to the fore is that of learning specific skills that can lead either to initial employment or -- for those already employed -- to job advancement and mobility. The media have a part to play in job training. (See Exhibit H in the Appendix)

While on the one hand there are labor shortages in skilled occupations such as aircraft mechanic, electrician, plumber, bank teller, stenographer, and retail sales worker, on the other hand there is unemployment -- and a good deal of underemployment. Education is the prime means for rescuing citizens from a cycle of low-paying jobs (or no job at all), job obsolescence, no advancement, and -- by extension -- inadequate or incomplete education for the following generation.

The first step in determining the media's role in the solution of this particular phase of our educational problem is to find out what sorts of skills can be taught by television and radio, and what subsidiary features (such as written materials and on-the-job practice) will be required. The most logical starting point for training programs using the media are the employers -- whether in white- or blue-collar industries, or in public services --and the labor unions. As David Morse, former director of the International Labour Organization, has remarked, education should be the next fringe benefit for employees. The employers are in the best position to mesh training via the media with the application of that training on the job. Employer and employee will be served by the development of higher skills.

It is therefore recommended that the Corporation for Public Broadcasting:

- emphasize in a request to the Secretary of Labor (Recommendation D - Study of Potential Demand) the Corporation's specific interest in the contours of the potential audience for vocational training;
- convene at the earliest feasible date an Advisory Panel on Vocational Training to investigate, in the light of potential resources, where a start may be made on the problem. The panel should include, in addition to appropriate representation from the labor unions and the Department of Labor, a well-diversified group of employers (large, small, skilled, semi-skilled, private enterprise, public service, etc.), at least two or three individuals totally conversant with the technology and its capabilities, and a similar number of top industrial training directors. The panel could be convened on a one-time basis or retained for future meetings; the initial session is conceived as a two- or three-day meeting with a carefully drawn format.
- investigate sources of funding initially only for the expenses of the Advisory Panel and its preliminary meeting; for a group of thirty-five including staff, a total of approximately $25,000 should be adequate including travel and accommodations; contributions of $5,000 each from five sources (Department of Labor, unions and employers) would be tactically wise and would point the way to the larger sums that will be required at a later date.
- develop an explicit agenda based on the solicited responses of this advisory group to a CPB request for each member's highest priority items bearing on vocational training.

D. Analysis of Potential Demand

Because we do not yet know with any degree of certainty the nature, the specific goals, or the proportion of our citizenry who would avail themselves of a second-chance educational system, we urge an analysis of the potential demand. We do know that without access to education and training, there are millions -- not only workers, but returning veterans, young dropouts, women -- who are living in a bleak world of "no exit" economically and socially. A survey should be undertaken to determine:

1. What specific educational or training goals do these people have? And what motivates them to have such goals?
2. What age are they and what previous level of education have they attained?
3. What percentage -- and with what degree of academic or scheduling difficulty -- are now pursuing additional education or training on their own initiative and how (in the formal system, by correspondence courses, ITV, industrial training programs, etc.)?
4. What is their background and present labor situation (returning veteran, dropout, farmer, laborer, housewife, handicapped person, prisoner, retired person, etc.)?
5. What is the geographical location of the potential audience? What percentage are urban and what percentage rural?

It is estimated that such an analysis could be accomplished in one year and its cost would obviously be determined by the scope and depth of the study. It is recommended that the Corporation for Public Broadcasting request that the Department of Labor, which has known interests in these areas and an available resource in the Bureau of Labor Statistics, fund and staff such a study, joining as it deems appropriate with the Department of Health, Education, and Welfare or other agencies.

E. Media Instruction: A Positive Supplement in the Formal Education System

The overwhelming burden of education is carried on in the classrooms and laboratories of our formal system of education -- from kindergarten to the graduate and professional schools in the universities. While the formal system badly needs the assistance technology can provide, it will utilize technology at its own speed and largely on its own terms, namely by preserving the maximum human contact between teacher and student. The effectiveness of instructional broadcasting can be greatly increased, however, if teachers are trained to utilize the technology, and if the programs available to them fulfill what they consider obvious needs. In contrast to the United States, where teachers have had little chance for training in the use of instructional media, San Salvador gives extensive training -- of from six to nine months -- to all teachers who will be using the media in the classrooms.

Other improvements will help bring about acceptances: technological advances (electronic video recording, cassettes, cable television) will give the teacher much more flexibility and control over the scheduling of programs; additional orientation for broadcasters and distributors to the problems of the school and its administrator, the classroom and its teacher; and an enlarged corps of adequately trained technicians who can maintain and repair sophisticated equipment.

As for programming, we recommend the development of several series specifically for the formal system that concentrate on general interests such as citizenship, health, urban, national, or foreign affairs, and environmental problems. (These are subject areas that appear to be in greatest demand by teachers. See Exhibit H in the Appendix for a summary of Mr. Perkins' meeting with the National Education Association staff members.) While designed for high school or college use, they would not be a particular step in the educational process, as, for example, would be Geometry I. The series on drugs, produced by WQED-TV in Pittsburgh, is an example of the kind of programming needed. A series on citizenship, its meaning and responsibilities, would be another prime candidate for CPB's support. (See Exhibit H, page 2, item #4). In whatever area, we would strongly urge that the level of funding be close to that used for Sesame Street*, since generous budgeting is the key ingredient to quality production.

For the non-formal system, there would remain the preparation of particular academic programs for high school or college equivalency. Both categories of programs might be considered transferable: Schools and colleges would have access to and would use any programs from the non-formal system that seemed appropriate to their needs. And the more general-interest areas of formal system programming could be used at will by the non-formal system.

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*Sesame Street's production costs came to approximately $40,000 per hour of programming.

This is a broad undertaking. In the course of our study, many specific suggestions of program ideas and operational improvements were put forward and these can be readily made available to the Corporation or to others. (See Exhibit I in the Appendix)

To summarize our recommendations concerning ITVR for the formal education system, we believe that the Corporation should:

- initiate, in cooperation with other institutions and organizations (teachers colleges, NEA, manufacturers of audio visual equipment, etc.), an investigation to determine how large numbers of teachers can be more adequately trained in the use of instructional media and how such specialized training might be funded. (Manufacturers seem a likely source of support for such training.) It has been suggested that one solution to this training might be in the use of the media themselves (tapes, film, open-circuit broadcasting during the weekends, etc.).
- establish a program of public information and meetings to acquaint broadcasters, distributors, and manufacturers more thoroughly with the problems of school and the classroom.
- examine -- in cooperation with the Department of Labor, technical training schools, and manufacturers -- the nation's sources of well-trained electronic technicians with the purpose of increasing the number available or of attracting more of them to the school systems.
- develop several series of general-interest programs, generously budgeted, for specific use in the formal system.

F. Educational Programming for the General Public

The fifth dimension of the Corporation's role in instructional uses of the media is programming for the general public and this has, of course, been on the CPB's agenda since its inception. Our recommendations in this area concern the bicentennial of the nation in 1976 and other important public service possibilities.

The excellent opportunity for co-operative, coordinated programming during the country's 200th anniversary year has been set forth by William E. Duke in a proposal dated April 22, 1970.* As further exploration and possible implementation get under way, we feel that maximum educational value will be achieved only by the most thorough advance planning. Some examples are:

1. The planned development at the outset of correlative written materials, created from the original research, for use by students and as teachers' guides.

2. The possibility of developing special courses based on the planned programs; successful completion of the courses could be rewarded with extra credit for high school and college students and might also fit neatly into the equivalency curricula already recommended.

3. A special section in the bicentennial programming that concentrates on production of a limited number of programs particularly designed for younger people (pre-school to age 12).

4. A careful strategy and system that is designed to convert an open-circuit broadcast (aired at whatever hour) immediately -- maybe even in advance -- into other media forms for school use so that within a matter of days, possibly hours, it may be offered nationally along with its correlative materials.

5. As many other networks, producers and local stations will undoubtedly be planning extra programs on the bicentennial theme, a strong

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* See Exhibit J in the Appendix.

effort should be made nationally and even internationally* to coordinate with them to reduce unnecessary duplication. The instructional component should be kept constantly in mind and arrangements for subsequent classroom use, even of programs produced commercially (assuming they are of acceptable quality), should be earnestly sought.

Coordination should include public relations and promotion to secure maximum initial audiences for the open-circuit broadcast and healthy secondary use throughout the educational system.

An exploration with program-producing entities in other countries, especially perhaps Great Britain and Canada, of their interest in undertaking some programs that would give their particular perspective on the history or current state of affairs of the U.S. and its people.

A number of organizations come to mind and should be considered as sources of support, not only among private organizations, but also among corporations that would find the opportunity to support a public broadcasting bicentennial project particularly appealing.

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* Richard K. Doan, in the TV Guide of October 24-30, 1970, says: "The BBC may beat American TV producers to an obvious punch: bringing out a series commemorating the United States' 200th anniversary. The same BBC team that filmed Civilization, the artful history of Western man now running on public TV stations here, has begun production of a similar 13-hour TV study of the beginnings and rise of America. Alistair Cooke .... will play the Lord Kenneth Clark role in this one."

In addition to any initial income that might be generated by programs scheduled for open-circuit use in the schools, the broad-scale efforts recommended for promoting secondary use of these programs and their correlative materials -- if implemented -- could very well produce sizeable proceeds for the originating organization.

Quite beyond the specific suggestions concerning the nation's bicentennial, we believe that several other audience categories -- especially the preschoolers, housewives, and retired or elderly citizens -- deserve the special consideration of the Corporation in its determinations of general programming priorities. As only one example of how such programming would render service, it could deal with the multiplicity of problems -- mostly in consumer education areas -- that confront our retired citizens when they are faced with living on reduced income and making their social security or annuity dollars do much more for them.

G. Organization

An organization with well-defined responsibilities in instructional programming and distribution is essential. For purposes of discussion, we shall refer to this organization as Instructional Media Resources Institute (IMRI). How should the Corporation proceed? What form should IMRI take and what should the CPB's relationship to it be? The options we see for the Corporation are:

1. to broaden the Corporation's charter to encompass the kinds of structures and activities necessary to pursue each of the educational programs described;

2. to encourage and support the expansion of other groups or organizations that could conceivably undertake parts of the programs recommended; though there are no existing agencies that could presently do this, there are several (NITC, CTW, or selected individual stations) whose missions might be modified to accommodate broader assignments;

3. to set up an educational commission, perhaps in conjunction with the Department of Health, Education, and Welfare and the Department of Labor, to coordinate and administer these programs. (One current and serious deficiency is the absence of a governmental agency devoted to the gigantic task of working out the proper blend between education and technology.)

4. to create IMRI as an independent agency whose sole mission would be the systematic development and qualitative improvement of ITVR.

(Some combination of the above procedures would not only offer additional options to the Corporation but seem to us as probable for the final solution.)

We recommend that:

. The Corporation create with dispatch in its own organization the position of Vice President for Education. The specific function of this office should be to concentrate upon the orderly and efficient development of the media for instructional purposes, to provide liaison with the educational world, and to serve as CPB's chief spokesman on educational matters.

. There be an Advisory Council to the Corporation concerned primarily with the subject of education and technology. This group should include the most imaginative and innovative minds from the fields of education, labor, public and commercial broadcasting, the arts, and the non-broadcasting sectors of the technology.

- The Corporation create, or assist in the creation of IMRI to pursue the large purposes set forth above. In our opinion, an independent agency is the only type of organization that can effectively deal with all the following needs:

    a. total concentration upon the urgently needed development of instructional TV and radio without the distraction of multiple missions;

    b. quantum jumps in the quality and effectiveness of programming;

    c. access to major funding;

    d. national and regional coordination of effort and talent;

    e. academic validity and recognition for individual programs and projects;

    f. open yet independent lines to the academic, technological and, not least, political worlds with insulation from each of them -- a combination of accessibility and guaranteed independence of operation.

1. Strengths of an Independent Agency

The recommendations we have made to the Corporation for programs that would most benefit the nation and that would use the technology in the best ways for education are of great magnitude. Any undertaking of this scope and depth will certainly require an organization free to center its entire attention on the problems at hand.

First, the major support for IMRI should be the federal government, with possibly as much as a third of the funds coming from foundations.

IMRI would appeal for funding on the basis of efficient use of resources to serve a recognizable national need. Efficiency of operation would stem partly from IMRI's singleminded concentration on educational uses of technology and partly from its ability to attract the various kinds of talent needed (from education, communications, entertainment, etc.) without being in the service of any one group with preconceived notions about how the media should be used in education. Its relative freedom and autonomy will, we think, encourage rather than discourage financial support from government and foundation sources.

Looking at the other side of the coin, the Corporation, having already drawn heavily on federal support for existing programs might find it difficult to justify yet another demand for funds to take on the programs we have recommended. This may be a deterrent to incorporating these programs under the CPB's direct control.

Another necessary ingredient for effective educational programming is recognition by the academic community. Any workable tie between the communications industry and the educational world presupposes an endorsement by academic interests of the educational value of particular programs. If this is the essential element for effective use of the media in education, we would argue that agencies with strong preexisting ties to communications or to government, which have only lately come to the problem of education through the media, are in a weaker position than would be a new, independent group to secure the recognition and support of the educational world.

Finally, a new organization -- initially conceived and staffed with its total range of responsibilities in mind -- would in our opinion, be a more effective way of launching a concentrated effort than parceling out various pieces of the project to existing organizations.*

We have obtained a legal opinion on the possible establishment by CPB of a separate entity for production and distribution and this is shown as Exhibit K in the Appendix.

The new agency we have proposed would require first a board and operational staff with the ability to assess the entire creative, production, and distribution resources of the nation. It would act as the primary agency with respect to the numerous subcontracts that will be required. Such an agency would organize, as necessary, advisory panels for each major project or program series. One of the major purposes of the panels would be to establish the academic validity of the content. Another would be to maintain much needed liaison with local school systems and public stations in various parts of the country.

As a first step in its operations, we would recommend that it undertake a one-year program of preliminary research on existing resources and on new concepts in programming and production. This sort of preliminary research for the Children's Television Workshop cost approximately $1 million. In this instance, many believe the cost would be substantially less, perhaps as low as $250,000.

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* A model of the suggested agency exists in the Learning Resources Institute. Recently dissolved, it was originally created to produce Continental Classroom and was inactive for a number of years -- following the demise of its original program -- until its dissolution. Yet the language and purposes of its incorporation very closely approximate the kind of organization we consider suitable. It is interesting that the only reason for LRI's dissolution was the absence of an appropriate framework (in recent years) in which to operate. Our recommendations provide that framework and if it had existed a year ago perhaps LRI would not have died in isolation.

2. Regional Telecommunications Centers

To ensure that quality programming at one end of the spectrum does not run into a dead end because of faulty availability or use at the other end -- i.e., in the hands of the "consumers" -- we recommend the establishment of a series of regional dissemination points, which we shall call Telecommunications Centers. These Centers, in the areas they serve, should be the source of quality units of multi-media programming. They should aim at "total exploitation," maximum utilization of the available units through all practicable learning environments and technologies: open-circuit and closed-circuit broadcast, videorecords, individual self-instruction, computer-assisted instruction, etc. The audience for these materials would be those who wish to prepare for any one of the examinations to be made available, as well as others who simply wish to be better informed in the subjects offered.

The local public broadcasting station would be the nucleus for the Telecommunications Center and open-circuit broadcasting would be an important element of the multi-media approach. But it is anticipated that the advent of new, innovative, and more flexible media (cassettes and cable television, for example) will in time -- at least with respect to instructional programs -- render less desirable or necessary the present heavy concentration on open-circuit broadcasting.

The Telecommunications Center should be the place that joins technological availability with local instructional needs. No such institution exists at the moment, although WVIZ-TV in Cleveland has made significant strides in bringing the general concept to reality. Without an apparatus of this nature, there can be no satisfactory transmission of content to those who need education; nor can there be the reverse flow of information about need, effectiveness, and evaluation which in turn can help to refresh and reshape content.

It appears to us that the Public Broadcasting Service, through the individual stations and in close cooperation with IMRI, is in an ideal position to spark the creation of these Centers and to assist in their physical design, organization and staffing.

Among the many tasks that require attention and that might appropriately be considered (at least initially) as within the scope of the Centers is that of providing orientation and instruction for teachers in the most efficient utilization of the media within the classroom and in communications generally.

It is suggested that a reasonable goal would be the establishment of two or three "pilot" Telecommunications Centers strategically placed in various parts of the country within the next few years. If these "demonstration" centers prove as successful as we believe they will, there is no reason to think there could not be Centers affiliated with twelve to fifteen public broadcasting stations within five or six years. Eventually, it is conceivable that a Center might be affiliated with every public broadcasting station and perhaps many others that have other sponsorship or affiliations.

Facilities of the Centers need not be "new construction." Libraries, schools, National Guard or R.O.T.C. buildings, abandoned motion picture theatres, and many other locations might be utilized.

III. SUMMARY OF RECOMMENDATIONS (in priority order)*

A. The Corporation should assist in the development of preparatory instruction through the media for high school equivalency.

B. The Corporation should join with those who are now considering a non-formal system of instructional preparation, examinations, and degrees at the junior college and college levels. The Corporation's role in this multi-institutional undertaking would be to assist in developing the area of programming for the necessary preparatory instruction.

C. The Corporation should convene an Advisory Panel on Vocational Training to investigate the development of education and training courses based on the media which would serve the needs of dropouts, returning veterans, women, workers, and others who seek and need skills and vocational training.

D. The Corporation should request the Department of Labor to fund and staff a study of the potential demand for a second-chance (non-formal) educational system, based on instruction through television and radio.

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* Though we have listed our recommendations in a priority order, it is believed that the Corporation should undertake most of the recommendations concurrently as much as financial and organizational circumstances permit.

E. The Corporation should support, for the formal educational system, the development of series of high-quality, well-budgeted programs dealing with subjects of broad interest (such as drugs, sex, national affairs, citizenship), and designed to reach young people of various ages, rather than a specific grade level. It is suggested that the priority for developing these programs should be as follows:

1) Drugs
2) Sex
3) Citizenship
4) Urban affairs (including environment)
5) National affairs (including environment)
6) Foreign affairs

F. The Corporation should respond to the opportunity presented by the bicentennial of the nation in 1976 and support the development of programming for this occasion. In addition, it should turn its attention to general programming that would serve the particular needs of the very young, the elderly, and the housewife.

G. The Corporation should create in its own organization the post of Vice President for Education. The functions of this office would be to concentrate on effective development of the instructional uses of the media, to provide liaison with educators, and to serve as the Corporation's chief spokesman on educational matters.

H. The Corporation should also create an Advisory Council to guide CPB's growing responsibilities and participation in pursuit of the large objectives outlined above.

I. The Corporation should create, or assist in the creation of, an independent agency* whose sole mission would be the systematic development and qualitative improvement of instructional television and radio.

J. The Corporation should encourage the development of regional Telecommunications Centers. These centers would be the source of multi-media instructional materials and would act to join the technology with local instructional needs. The local public broadcasting stations would be the nuclei for the proposed Centers.

IV. ESTIMATE OF COSTS AND SUGGESTED TIMETABLE

The kinds of financing needed for equivalency or vocational instructional programming cannot be pinpointed. The troubling aspect of arriving at reliable estimates is that of determining how many hours of programming will actually be required in the various areas that have been under discussion.

The appropriate number of hours of programming needed in each of the five areas of high school equivalency instruction (science, mathematics, social studies, history and English) will be determined accurately only after a

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* This agency was referred to in the text of the report as Instructional Media Resources Institute (IMRI).

good deal of consultation between educators and other authorities who initiate the non-formal system. The same reservation may be made with respect to college level equivalency or vocational programming. For the purpose of a rough estimation of the number of hours of programming needed for a high school or college level equivalency course, we would suggest 20 hours. (This figure is more than the average of 12 hours of high school level programming now available through Great Plains National Instructional Television Library; but it is significantly less than the number of hours spent in a high school or college class for each course. One can be sure that use of a given time segment will be much more efficient on film or tape than it is in the usual classroom.)

We do, however, have some idea of the probable production cost per hour based on the experience of Sesame Street. Of Sesame Street's total expenditure of $7 million, $5 million (approximately 70%) went into the actual production of 130 hours of programming. The balance of the budget went into research, planning and organization (approximately 20%) and distribution (approximately 10%). Actual production costs per hour of programming were therefore approximately $40,000.

In the estimate that follows, we have used this figure as a guide to hourly production expense. Thus:

1.	a high school or college level equivalency course of 20 hours (possibly 40 half-hour programs) would cost approximately	$800,000
2.	a vocational training course of 10 hours (possibly 20 half-hour programs) would cost approximately	$400,000

A reasonable timetable might be to make two starts in each of the suggested areas in the first year and to continue production into the second and third years. General program production costs would therefore be as follows:

First Year

1.	two high school equivalency courses	$1,600,000
2.	two college level equivalency courses	$1,600,000
3.	two vocational training courses	$ 800,000

Second Year

1.	two high school equivalency courses	$1,600,000
2.	two college level equivalency courses	$1,600,000
3.	two vocational training courses	$ 800,000

Third Year

1.	one high school equivalency course	$ 800,000
2.	two college level equivalency courses*	$1,600,000
3.	two vocational training courses*	$ 800,000

To actual program production costs, one must add a reasonable amount for planning and organization, and for distribution. In a percentage breakdown, again using the Sesame Street yardstick:

1.	research, planning and organization is estimated at approximately	20% of total
2.	distribution is estimated at approximately	10% of total

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* Total number of courses to be determined.

Thus, a three-year program in each of the areas under discussion can be estimated as follows:

I. HIGH SCHOOL EQUIVALENCY

1.	Research, planning and organization (20%)	$1,140,000
2.	Production of programs (70%)	$4,000,000
3.	Distribution (10%)	$ 570,000
	Total	$5,710,000

II. COLLEGE LEVEL EQUIVALENCY*

1.	Research, planning and organization (20%)	$1,371,000
2.	Production of programs (70%)	$4,800,000
3.	Distribution (10%)	$ 686,000
	Total	$6,857,000

III. VOCATIONAL TRAINING*

1.	Research, planning and organization (20%)	$ 686,000
2.	Production of programs (70%)	$2,400,000
3.	Distribution (10%)	$ 343,000
	Total	$3,429,000

THREE-YEAR TOTAL OF ALL PROJECTS $15,996,000

SUGGESTED TIMETABLE

I. High School Equivalency

A.	Initial planning of content by College Entrance Examination Board, Educational Testing Service, curriculum experts, etc.	3 months
1.	Development, research, testing, pre-production, etc.	12 months
B.	Production (including ancillary materials)	12 months
C.	Distribution, utilization, general follow-up	6 months

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* Number of courses to be determined; for purposes of this estimate we have used six.

II. College Level Equivalency

A. Determination of subject areas, credit granting system, certification procedures, etc. by Educational Testing Service, College Entrance Examination Board, New York Regents,* etc.	12 months
1. Development, research, testing, pre-production, etc.	12 months
B. Production	18 months
C. Distribution	6 months

III. Vocational Training Course

A. Determination of subject areas, testing and certification procedures, etc. by Educational Testing Service, vocational training experts, and other appropriate authorities	6 months
1. Development, research, testing, pre-production, etc.	12 months
B. Production	12 months
C. Distribution	6 months

Program availability on this schedule could be: **

March 1973	2 High School Equivalency Courses
June 1973	2 Vocational Training Courses
June 1974	2 College Level Equivalency Courses

Several important budget factors cannot be determined at this time.

1. Ancillary materials. The need for these materials, which include slides, audio tapes, printed materials (student and teacher guides), film strips, models, etc. would have to be decided at the content meetings. Actual production of these materials would be concurrent with production of the broadcast materials.

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* Assuming New York State becomes primary demonstration area as suggested in text of report.

** This assumes planning would begin early in 1971.

2. Distribution requirements. Because of the complex nature of distribution (and playback) requirements, it may prove most practical for each station to have one complete set of programs; tape stock alone might cost $1.5 million.

3. Hardware investment. In the case of equivalency programming especially, where a number of locations might serve as focal points for instruction, a sizeable hardware investment may be required to provide alternative viewing patterns.

4. Maintenance expenses. It will be necessary to provide regular supervision and updating of each course to maintain its accuracy and relevance of content to student needs as well as to forthcoming technological developments.

These items could double the indicated budget estimates. However, the initial expenditures might be substantially offset by income from secondary uses of the programs and their correlative materials.

[Telegrams]

NEWTON CENTER, MASS., *March 17, 1971.*

Senator CLAIBORNE PELL,
Chairman, Education Subcommitteee, Senate Committee on Labor and Public Welfare, Senate Office Building, Washington, D.C.

At the request of your staff we are submitting our views on section 10 of bill S. 683. We support section 10 because of the well documented powers of television as a teaching medium and because the provision of section 10 will prepare medium and because the provision of section 10 will prepare children for the realities of integrated education now an essential part of our public schools.

ACTION FOR CHILDRENS TELEVISION, INC.

NEW YORK, N.Y., *March 11, 1971.*

Senator CLAIBORNE PELL,
Chairman, Subcommittee on Education, Senate Committee on Labor and Public Welfare, Senate Building, Washington, D.C.

The office of communication of the United Church of Christ strongly supports retention of section 10 of S. 683 which would provide a number of centers for the production of children television programming. Our studies of the media have demonstrated the powerful impact which television has on social attitudes and the acceptance of new experiences and new ideas. This office the United Church of Christ Board of Homeland Ministries and its committees for racial justice now have all worked for racial reconciliation for many years. We are convinced that integrated children programs of eductional value would help equalize the cultural levels of pre-school children and would help children of a races to adapt to an integrated school environment.

REV. EVERETT C. PARKER.

JACKSON, MISS., *March 10, 1971.*

Senator CLAIBORNE PELL,
Chairman, Education Subcommittee, Senate Committee on Labor and Public Welfare, Senate Office Building, Washington, D.C.

Communications improvement, a Mississippi nonprofit corporation is the interim licensee of Jackson television channel 3 as an organization dedicated in our FCC application to quality childrens television programing. Please register our support for section 10 of S. 682 especially in view of the beneficial effect integrated childrens educational television programming will have on the problem of facilitating the desegregation of public schools here.

EARLE F. JONES.

The Age of Television and the Television Age

by Lloyd N. Morrisett, President
The John and Mary R. Markle Foundation

Reprinted from the 1969-70 Annual Report
of the John and Mary R. Markle Foundation
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Nineteen hundred and fifty was a notable year: India was proclaimed an independent republic; President Truman instructed the Atomic Energy Commission to produce the hydrogen bomb, and also, in that year, signed a bill creating the National Science Foundation; George Bernard Shaw died at the age of 94; and after years of debate, CBS was given the right to start color television broadcasts. Though these were the headlines, the mid-mark of the twentieth century may come to be remembered best as the dawn of the Age of Television.

Like many other new times, the Age of Television dawned suddenly, and reached a zenith so rapidly that it is hard to remember what life before was like. In 1947 the medium was a rarity in the United States, and only about 14,000 families had sets. By 1950 five million American families owned sets. From that point on, television quickly became omnipresent in American society. Today over 95% of American households in all sectors of the country—South, West, Midwest, Northwest, and East—and of all income levels, own at least one television set. Now more families own two television sets than owned one in 1950.

This is the Age of Television, not only in the sense of wide ownership of television sets, but much more importantly in the sense that an entire generation of young Americans are growing up in a time when television is available to them and widely used. Henceforth, practically speaking, no American citizen will reach maturity without ready access to television and all it can bring to him. Nineteen hundred and fifty was a watershed year. Americans who were born, went to school, and became adults before 1950 did so without television being part of their lives. After 1950 we came to take television for granted, and began organizing our lives in both obvious and subtle ways around the reality of the one, or perhaps two or three, television sets in our homes.

The Television Age: Childhood

These first twenty years of the age of television have begun to give us some understanding of how television is changing our lives in almost all aspects—economic, political, social, recreational, and educational. We have become aware only gradually that the lives that have been changed most by television are the lives of children, and that the real Television Age is childhood.

Some parents have recognized—when they have thought about it—that their children's lives are often organized around the television set, and that viewing for many children has become the predominant recreational activity, if not the predominant activity, of the years from birth to adolescence. It is only recently, however, that this individual awareness of parents has been translated into a more general public awareness of the importance of television in the lives of children.

Almost 30% of Americans are under 13 years of age, including almost 12% under 6 years of age, and children spend more of their time watching television than any other age group. Preschool children up to the age of 6 are the single heaviest viewing television audience in the United States, and while viewing falls off slightly after children enter school, those between 6 and 13 are still very heavy television viewers. For the preschool child, estimates ranging as high as an average of 50 hours per week of watching television have been given. Even if one discounts these estimates, it becomes clear that for young children, the one activity that engages most of their time, aside from sleeping, is watching television.

What needs to be asked and what is beginning to be asked by more and more people is the nature of television's responsibility to children, and how this responsibility can be fulfilled. Will the Age of Television prove to be of great benefit to children, or will it come to be regarded as the dark age of childhood?

Special Needs of Children

Among those connected with broadcasting it has always been assumed that children have special needs as viewers and deserve special treatment. But although this responsibility has for many years been specifically stated by the broadcasters, the public, and the Federal Communications Commission, it has yet to be reflected in the overall quality of children's programming.

It may be argued that the Age of Television has dawned and come to its zenith so quickly in the United States that the laws and regulations governing television broadcasting have not kept pace with need. To the contrary, the laws and regulations are there, but, in the area of children's television most particularly, they have not been implemented.

In the preamble of the Television Code of the National Association of Broadcasters is included the statement, "Television and all who participate in it are jointly accountable to the American public for respect for the special needs of children, for community responsibility, for the advancement of education and culture . . ." The NAB Television Code contains a section, entitled "Responsibility Toward Children," setting forth eight standards for the programming for children. The first of these standards denotes concern not only for the content of programming for children, but for all programming which might be expected to reach an audience with a substantial proportion of children viewing. "It is not enough that only those programs which are intended for viewing by children shall be suitable to the young and immature. In addition, those programs which might be reasonably expected to hold the attention of children and which are broadcast during times of the day when children may be normally expected to constitute a substantial part of the audience should be presented with due regard for their effect on children."

Though the Federal Communications Commission has not issued a policy statement with regard to programming for children, several Commission chairmen and members have evinced this concern. Most recently, Chairman Dean Burch emphasized the broadcaster's responsibility to his community and critized television's programming for children when he said, "Does anybody in this room think that broadcasting has been 100% successful in its attentions to the children of this country?" Further, the FCC has stated that the licensee's programming is to be based upon the needs and interests of the community and developed in consultation with it. "The principal ingredient of the licensee's obligation to operate his station in the public interest is the diligent, positive, and continuing effort by the licensee to discover and fulfill the tastes, needs, and desires of his community or service area, for broadcast service." In further statements the FCC has continued to affirm that broadcasters must plan their programs to be responsive to the needs and interests of all substantial groups in their listening public.

In addition, a recent Supreme Court decision states unequivocally: "It is the right of the viewers and listeners, not the right of the broadcasters, which is paramount."

Thus the right of children to quality programming is both implicit and explicit in broadcasting laws and regulations. The difficulty is that children are not able to petition to have them invoked on their own behalf. They are unable to form the lobby groups to bring the pressure to which government reacts.

Signs of Ferment

Fortunately, signs are mounting that the importance of television for children will not continue to be ignored in the future as much as it has been in the past. The signs of ferment are present in the Federal Communications Commission, in the television industry, in new programs which have become available for children, and in citizens' groups which are now actively taking steps to insure that more appropriate television fare be made available for children.

In the last decade several members of the Federal Communications Commission have used their influence to stimulate broadcasters to develop and broadcast more and better children's programs. In 1961, FCC chairman Newton Minow said in an address to broadcasters: "No other group of men and women in America will make decisions which sweep with more penetrating impact upon the American mind. Your decisions will affect more children's hours in America, for good or evil, than the teachers in our schools and, I say with some shame, than many parents in our homes . . . . If the alternatives [in children's programming] are merely the lesser of several evils, then we are talking not about illuminating the world for children but rather about varying degrees of darkness . . . . It is time for you creative television professionals to light a few million candles so that you can take our children out of the darkness." These concerns have been reiterated by present members of the FCC, including the chairman, Dean Burch.

During the past year all three television networks appointed vice presidents for children's programming, stimulated in part by the inquiry of the National Commission on the Causes and Prevention of Violence, and in part by a growing awareness that the public was beginning to expect and demand better fare for young children.

This last year, the Children's Television Workshop produced and aired, largely over public television stations, the program for preschool children, *Sesame Street*. Its ability to gain a large share of the child audience and the great critical acclaim it has received have further encouraged broadcasters to believe that quality children's programming can be both obviously in the public interest and economically viable.

Finally, and very significantly, there is evidence of important public concern for better children's programming. The organization Action for Children's Television (ACT) has emerged as a significant voice for improved children's programming. ACT has monitored and analyzed currently available children's television fare and has begun to develop ideas for standards to be applied to children's programming. Most recently, ACT has petitioned the Federal Communications Commission for rule-making related to children's television in which ACT hopes the FCC will lay down programming policies that broadcasters henceforth will follow.

ACT has presented three primary proposals for improved children's programming: first, there should be no sponsorship and no commercials on children's programs; second, no performer should be permitted to use or mention products or services by brand name during children's programs; and third, each station should provide daily programming for children and in no case should this be less than 14 hours a week.

The Need—Quality Programming and Sufficient Air Time

Compared to past inaction, these signs of citizen initiative, interest by the networks, new children's programs, and FCC encouragement, are all hopeful. But even what must seem like radical proposals as developed by ACT may be very conservative when measured against the real needs of children. If broadcasting is to meet its obligation to children, what is needed is quality children's programming available at all hours when children are likely to be watching. Children have the right to be served by television when they can view it. This means that a child should have available to him at whatever hour he normally watches television a quality program designed for his benefit: for his education, for his entertainment, for his enjoyment.

It may be argued that given the current structure of television—only three television networks, public broadcasting in its infancy, and the responsibility for programming in the hands of local broadcasters—there is no realistic way to provide alternative children's programming at all hours when children are likely to view television. This is not true.

It has been shown that preschool children normally watch television mostly in the morning hours during weekdays and in the late afternoon at the same times that their older siblings do. School children typically view television between the hours of 3:30 and 7:30, although as they become older their tastes and interests lead them to watch on into the evening hours along with their parents. During weekdays, three hours of children's programming each morning and four hours in the afternoon between 3:30 and 7:30 would take care of a very substantial part of the time that children normally view television. This would mean seven hours of daily programming for children. If an additional seven hours of programming on Saturday and on Sunday were scheduled, the resulting forty-nine hours per week of quality children's programming would largely satisfy the need for an effective children's television alternative.

Some quality children's programming is already available over public television, the networks, and local stations. When all of this is added together, however, it will not nearly achieve the goal of 49 hours per week of quality children's programming. If each network were to assume responsibility for 10 hours a week of children's programming, and the time was divided so that what children's programming was available was not competitive with other children's programming, 30 of the necessary 49 hours would be accounted for. When Newton Minow made his statement on children's programming in 1961, he anticipated the possibility that the networks might divide the competitive disadvantages of children's programs by having each network made responsible for different times each week. At the same time, he also anticipated objections by the broadcasters on the grounds of possible antitrust implications in the proposed arrangement, and he reported to them that such implications had been cleared with the Department of Justice.

If, in addition, local broadcasters were encouraged and stimulated to add children's programming of a local nature, and the hours of children's programming made available through public television continue to increase as they should, even today we could approximate the 49 hours per week of quality children's programming necessary to give children a reasonable television alternative.

But of course there are two separate problems: first, to assure that enough television time is devoted to children's programming to serve the needs and interests of children; and second, to assure that the quality of the programming available meets reasonable standards. A combination of voluntary action by the networks and the requirement that local broadcasters devote an adequate share of their broadcast time to the needs of children would practically assure that enough television time were made available to begin to meet the need. Assuring that the quality of this programming meets adequate standards is a different, but not insuperable, problem.

Here again, previous statements by the Federal Communications Commission give some guidance as to how quality in children's programming can be maintained at a high level.

The FCC has said that it wished broadcast licensees to involve the public in contributive planning. ". . . the licensee must find his own path with the guidance of those whom his signal is to serve. . . . What we propose is documented program submissions prepared as a result of assiduous planning and consultation covering two main areas: first, a canvass of the listening public . . . ; second, consultation with leaders in community life. . . ."

The National Association of Broadcasters has already recognized the special responsibilities of television to children. A great step forward would be taken if the networks were to join with the National Association of Broadcasters in reaffirming this responsibility by appointing an impartial citizens' committee composed of leading educators, creative artists, and concerned citizens to review and comment upon available and proposed children's programming, and to act as the industry's own safeguard for the assurance of high quality programming. This is the sort of device that has been used time and again in various segments of American industry when the public interest was at stake.

It is true that there are difficulties with the idea of a watchdog committee appointed by the industry to help assure quality in children's programming. Cries of artistic control and censorship on the one hand, or of whitewash on the other hand, are sure to be raised. There are also obviously problems in developing a working relationship between such a committee and producers and television directors and advertisers. To cite these and other problems is not, however, reason to stop demanding that the television industry find for itself ways of assuring the public of the quality of its product for children.

Looking at children's television programming from the point of view of the industry's self-interest, there are extremely significant reasons why television should take special care to nurture the young child as a viewer. When those in broadcasting voice their own dissatisfactions with the level and content of programming which is in apparent demand by the American public, they frequently cite the necessity to appeal to mass tastes—to the tastes of the undiscriminating television viewer who is content with formula programs, reruns of old movies, and inartistically and uncreatively produced products. To the degree that this is true, some responsibility for this unhappy state of affairs must be laid squarely at the feet of the broadcasters. It is the broadcaster who provides the fare for young children. To the extent that the child feeds upon a diet of unwholesome television food little designed to educate him, to develop his standards of taste, to improve his esthetic judgment, and to convey to him the greatness and quality of man's cultural achievements—to that extent it must be expected that this child, as he grows up, will fail to appreciate, demand, and support the creative and artistic aspirations of those in the television industry who would like to see television establish continually higher standards of creative and artistic achievement for itself.

Another important consideration for the television industry is that its economic health depends upon its ability continually to recruit and foster the abilities of talented people, whether they be camera men, directors, actors, producers, writers, or film editors. As the Age of Television has dawned, there has been an exciting lure for talented people to go into a new industry where they may have a chance to live up to their own ideals and aspirations. Should, however, the children of America become disillusioned with television as adults, partly because of the poor level of programming provided them as children, television itself will suffer in future years as talent turns elsewhere for outlet.

To write of broadcasting's responsibilities for quality children's programming is, perhaps, to make this seem a burdensome activity when, on the contrary, television for children possibly offers the greatest creative opportunity, the greatest educational opportunity, and the area most open for experimentation of any in the television field. Comparatively speaking, children are new viewers of television, ready to be enlightened and entertained – their minds unjaded by years of experience with a less than wholly satisfying medium.

While children share common educational and cultural needs, they also reflect the great diversity of the United States, and the diversity of programmings available to them can and should represent the diversity of children and their families. This audience is constantly changing and constantly being renewed so that time-proven programming can be repeated, improving and revising it as necessary to meet changing cultural conditions.

At the same time, a fresh young audience offers a constant opportunity for experimentation with new television forms to better achieve educational, cultural, and entertainment objectives.

Whose Responsibility?

Many will argue that there is no way in which the concept of alternative children's programming can realistically be approached. They will say that past history shows that broadcasters and networks are unwilling to take their responsibilities to children seriously. They will say that the Federal Communications Commission is unable to help improve the situation; they will say that the concept of alternative children's programming is economically impossible. These and other arguments will be advanced as excuses for continued inaction, but none of them are compelling.

First, it must be recognized that the improvement of children's programming is the mutual responsibility of the Federal Communications Commission, the broadcasters, the networks, the advertisers, and the public. It is through joint action by all of these groups that the situation we have had in the past may be changed and improved in the future.

The Federal Communications Commission has open to it several courses of action which could greatly improve the environment for quality children's programming. Whether or not the Commission goes ahead to institute a rule-making procedure based upon the petition by Action for Children's Television, it could do two other things. It has already set out fourteen elements of programming in a policy statement which it described as "the major elements usually necessary to meet the public interest, needs, and desires of the community in which the station is located, as developed by the industry and recognized by the Commission. . . ." The third element in this statement was "programs for children."

So far, however, this concern has not been reflected in the all-important license renewal forms required by the Commission. These forms, originally prepared in 1927 and since amended, have required extensive information on the part of broadcasters about the amount of time devoted to programming of various types. The FCC could amend this license renewal form requiring the broadcaster to provide information on programs designed for and adapted to the tastes, interest, and needs of children. This simple action by the Federal Communications Commission would clarify the responsibility of individual broadcasters to provide appropriate programming for children in the context of the continual assessment they are required to make of the needs of their community.

In addition, again without new rule-making, the Commission could issue a policy statement regarding children's programming, and perhaps setting specific standards as, for example, that such programming should be developed in consultation with parents and educators.

If the FCC were to initiate these two actions the obligations of local broadcasters to children would be clarified, and the local broadcaster could be expected to find ways to fulfill these obligations. It has already been suggested how the networks could help provide more high quality children's programming by appropriate division of responsibility. Such action by the networks would, of course, make the local broadcaster's job easier in fulfilling his own responsibilities in that it might be expected that a substantial portion of many broadcasters' programming for children would be derived from network material.

In an environment where the obligation of broadcasting toward children is not well clarified, it is not to be expected that advertisers will be very inventive about finding good ways to support quality children's programming. Many people find institutional advertising much more appropriate for children than typical product commercials. Action for Children's Television has already highlighted some of the issues surrounding advertising on children's programming, and these issues and the arguments advanced by ACT deserve careful consideration by the advertising community.

Finally, the public bears a major share of responsibility for improving children's programming. It is the public's right to be served by television; but the public must understand its responsibility to inform broadcasters of its needs. The work of Action for Children's Television shows that there is a rising public spirit on these issues. The goal of high quality programming for children would be enormously served if more citizens' groups studied the problems of television programming and made their findings known. On the other side, the cause would be well served if the television industry had an appropriate group of its own to listen to these public groups and engage in productive dialogue with them.

Even though steps that are taken now to improve children's programming may not yield completely satisfactory results, they may help to provide the patterns that will provide satisfactory results in the future. Today many communities are served by only one or two or three broadcast stations, and, as a result, these communities have a limited amount of time available for all programming and necessarily a limited amount of time available for children's programming.

The excuse of insufficient air time is already a feeble reply to those who call for more and higher quality children's programming. This excuse will become even more untenable in the future. The advent of cable antenna television, with its almost unlimited channel capacity, provides the possibility that in the relatively near future—that is, the next five to ten years—most American homes will have potentially available twenty or thirty or forty clear television signals. With the availability of an essentially unlimited number of clear television signals, there is no reason why one or more channels could not be dedicated to the needs of children, insuring the air time available, and providing the opportunity for those who want to fill this air time with high quality programming.

If 1950 marked the dawn of the Age of Television, 1975 may mark the passing of network television as we have known it. Cable television with all that it can provide offers American society the opportunity to have specialized television channels to serve specialized needs. In this new era of the Age of Television, many as yet unspoken needs are sure to be defined. Professionals in such fields as science, law, engineering, and medicine are sure to wish greater service from television. Ethnic minorities have voiced responsible demands for improved service. The public needs more and better information about health care, nutrition, accident prevention, and other problems of personal well-being.

Among all these needs, however, the needs of that minority of the American public—children—who form 30% of the population must rank high. The history of broadcasting shows that early decisions have lasting consequences. The patterns of television broadcasting have their roots in radio; similarly cable broadcasting will grow from today's television. The Age of Television is upon us. It is not too late to harness the talents and abilities of this industry to make the Age of Television serve children—those of the real Television Age.

STATEMENT BY
JOHN W. MACY, JR., PRESIDENT
FOR THE SENATE EDUCATION SUBCOMMITTEE OF THE
COMMITTEE ON LABOR AND PUBLIC WELFARE
MONDAY MARCH 22, 1971

Mr. Chairman, thank you for the opportunity to submit for the Record a statement on the desirability of setting aside Federal funds for the production and distribution of integrated children's television programs.

The legislation presently being considered by the Senate Subcommittee on Education, S 683 introduced by Senator Walter F. Mondale and S 195, sponsored by Senators Jacob K. Javits and Robert Griffin both would permit Federal funding of those children's educational television programs which would aid desegregation efforts in this country. Mr. Mondale's proposal (S 683) sets aside 5% of the total funds authorized under his bill for such programming, whereas Mr. Javits' proposal (S 195), though not designating a specific amount to be spent in this area, does include such funding under its general authorization.

I must defer to the judgement of the Members of Congress in deciding which of these approaches would be most effective. Dr. Sidney Marland, U.S. Commissioner of Education, in his testimony before this Subcommittee on February 10, gave Administration support to the concept of funding such television programs. I also believe that Federal funds should be made available for this very important purpose.

This century has seen the growth of the American educational system stymied by an unprecedented demand for better schools, better facilities, better education. People from all sectors of society have come to expect fulfillment of the American maxim that every citizen has the right to quality education.

The crisis faced by the educational community has been exacerbated by the lack of funding needed to fill such a demand. Local taxpayers have begun to refuse to support their burgeoning school budgets and have sought greater State and Federal aid to absorb this burden. Funds have been all too slow coming from these sources.

The problem, then is three-fold: a demand for more education, better education and less expensive education and I see the use of television, the most powerful means of communications ever known to man, as the only viable solution to this problem.

One of the goals of the Corporation for Public Broadcasting is to expand the use of television as an education medium not only in the classroom but in the home. At present the average public television station broadcasts 30 hours of instruction a week during which approximately 25 million students across the country receive televised instruction in the classroom. Broadcast into the home, then, a program could reach similar--if not greater--numbers of people all for the initial cost of production and transmission. To put this into actual figures, "Sesame Street" the widely acclaimed pre-school children's education series, for example, cost approximately

$8 million from inception through research, production and the telecast of the first year's series. Matching the number of children viewing this series against this expenditure, however, "Sesame Street" comes out to costing approximately one cent per program per child, a cost so low it is unmatched by any other educational situation.

The Office of Education funded a large part of this $8 million and private sources and the Corporation for Public Broadcasting contributed the remainder of the budget.

There is no question that "Sesame Street" was initially expensive in terms of children's television programming. At first there were few willing to back such a project, and even now there are very few sources of funds available for the development and production of new programs of equal caliber and effectiveness other than the Federal government.

This is the reason I support the concept behind funding the development of educational television programs. I feel these additional Federal funds will make available to educators and creative television personnel the opportunity to produce new and innovative kinds of television programs for many additional age groups. Such funding would provide the incentive for a whole family of creatively designed and researched programs benefitting hundreds of thousands of children of all ages, both black and white.

I have two concerns, however. First, that the funds provided under this legislation be used to encourage the production of programs of the highest creative and educational quality, filling specific educational needs. Our experience to date indicates that programs that appear to preach are not effective. Like "Sesame Street," we need more sensitive non-racial kinds of programs which are designed to accomplish specific teaching tasks. In my view, "Sesame Street," in choosing an integrated situation as the background for this instruction, succeeded more in altering racial attitudes that any program whose main theme preached integration could possibly accomplish.

In the recent Children's Television Workshop booklet on their new reading series, the observation was made that children dislike blatantly moralistic messages. Should the programs funded under this legislation lean heavily in that direction, I am afraid the money spent will have been wasted. Only programs of similar high educational quality which are designed to accomplish specific teaching tasks, such as "Sesame Street," should be considered for funding.

Secondly, these funds should be used to encourage programming by independent, reputable production agencies with demonstrable track records in service to minority communities. I stress here the words "independent" and "reputable." I feel that most broadcasters would be very reluctant to distribute programs that appeared to be produced solely under the guidance of the Federal government or any of its agencies or programs produced by agencies without credentials for integrity in the academic community.

I feel that the best possible agencies to receive grants under the proposed legislation, therefore would be non-commercial production centers, such as the Children's Television Workshop or any of the public broadcasting production centers, located across the country. These production centers have a track record of integrity and experience in working with school systems.

I want to express my gratitude to Senator Mondale for bringing to the attention of both his Select Committee on Equal Educational Opportunity and the Subcommittee on Education the need for quality educational television programming. The legislation before the Subcommittee offers incentive to local production agencies to join with the educational community in developing and producing such programs.

I know that public non-commercial stations would give every consideration to broadcasting such programs if they are highly creative and educationally sound.

We cannot begin to improve our society unless we improve the quality of education offered to all our children no matter where they live, and with the creative use of television, this can be accomplished.

John W. Macy, Jr.
President
Corporation for Public
Broadcasting

Statement of William G. Harley
before the
Subcommittee on Education
of the
Committee on Labor and Public Welfare
United States Senate
March 12, 1971

The National Association of Educational Broadcasters welcomes this opportunity to comment on the contribution educational communications technology can make toward ameliorating problems incident to desegregation.

The NAEB is the professional association of institutions and individuals engaged in educational radio and television. The membership consists of universities, colleges, school systems and non-profit community corporations which are the licensees or permittees of more than 200 educational television stations, over 200 educational radio stations; more than 90 closed-circuit and instructional television fixed service installations; and some 4,000 individual administrators, producers, teachers, writers, directors, students, artists, engineers and others who are involved in various phases of educational communications.

We are pleased and encouraged by the inclusion of Sec. 10 in S683 which reserves 5% of the appropriated monies for grants to pay the development and production costs of integrated children's television programs.

Further, the testimony of U.S. Commissioner of Education Marland in support of S195 before this committee specified that "The administration proposal is sufficiently flexible to support educational television as part of a school district's desegregation plan, if programming is linked to the plan so as to have a significant impact."

The purpose of this statement is not to support one legislative proposal or the other, but rather to point out the range of technological options that can be employed now and in the future to facilitate equal educational opportunity. We feel it is essential that this legislation being considered by the committee not exclude the contribution that can be made to important social purpose by instructional technology.

Communications technology has grown rapidly in recent years. New devices, and greatly increased sophistication in their use, are now widespread in the U.S. The majority of communities in the United States now have access to some of these technological capabilities.

As used in this statement, communications technology includes all media by which sound and/or picture information can be moved from one point in time or space to another. It includes all broadcast modes using public airwaves or transmission via wire, as well as the many modes of recording now available, plus the new video recording forms which will soon reach the marketing stage. A comprehensive list of these electronic tools both presently available and in development would include radio and television broadcast stations, closed-circuit installations, ITFS, satellites, audio and video cassettes, and cable.

But these are only distribution systems and their value is only potential. The educational institutions and organizations which can manage the development and production of materials must become fully prepared to carry out the reforms which these communication systems will make it possible to afford and to manage.

The scope of the schools' capability to use television, for example, was evidenced by preliminary figures released last month by the National Center for Educational Statistics of the United States Office of Education. In brief, the preliminary survey figures revealed the following:

1) 75% of all public schools now have television receivers.
2) 25% have videotape recorders.
3) 82% of all pupils are in schools having TV receivers.
4) In large cities, more than 90% of public schools have receivers.
5) Only 13% of the schools, mostly away from large cities, have none of the above forms of advanced instructional technology.
6) More than 70% of schools having TV receivers use telecasts from educational television stations.

Television and radio as distributors of instructional materials to home and school are becoming well known - e.g., school and college lessons for classrooms, and Sesame Street for pre-schoolers at home. But since television has been used in many different ways to help solve educational problems of varying scale and scope, the following illustrative examples are included.

Magnification and Visual Display

Simple video systems can be used as convenient magnifying and display implements for group viewing. Laboratory materials, graphic pieces, book pages, etc. are placed under a magnifying lens and the resultant image is fed to TV receivers placed in classrooms or laboratory areas.

Specimens for Performance

In such academic areas as speech training, acting, practice teaching, music performance and athletic development, low-cost portable videotape devices are employed to record student performances for analysis by the student himself, his classmates or his instructor.

Administrative Prescription

Some institutions are finding television effective for giving directions in new activities. For example, at the Pennsylvania State University, students coming into a science laboratory are shown brief videotape programs which tell them exactly how to proceed with the scheduled experiments. (In the Southeast, the Agricultural Extension Service has experimented with administrative "briefings" for its agent specialists through statewide ETV networks. In some instances, long-distance telephone lines were used to provide "two-way" communication between the parties involved.)

Materials for Drill Exercise

Television can be employed as a mechanical "drill master" in such areas as language training and calisthenics. The audio-visual system cues class groups to make responses on an appropriate, interactive schedule. The technique frees teachers from the burden of having to conduct such rote-learning activities in person.

Data Storage and Retrieval

Videotape can be a useful archive medium for the storage of certain aural-and-visual resource "data" in a convenient retrieval form for direct, instructional use: lectures by visiting authorities, music performances by famous guest artists, interviews with primary sources in history, etc.

Simulation and Gaming Experiences

Videotape materials can be utilized as elements in simulation-and-gaming exercises. One of the most effective uses is found in teacher education.

Materials for Auto-Tutorial Study

Television can be linked up as a display system in the new study-carrel configurations springing up in "media centers" all across the country. These arrangements allow students to "dial-up" videotape or film materials for individual study.

An Electronic Blackboard

There are on the market now several so-called "slow-scan television" devices which enable the transmission of static pictorial and diagrammatic materials over regular telephone lines. These devices are especially helpful in such academic areas as mathematics because they enable a television receiver to become an "electronic blackboard" on which written figures can appear.

Direct Interchange

A few institutions make use of television as a two-way communications device. They have installed a "true" circuit between two or more meeting locales, each having audio-video pick-up capability. Persons gathered at each of the locales are able to communicate aurally and visually with persons at the other locales.

Topics for Class Assignment

One of the oldest academic uses of television is that of assigning a particular program to serve as a topical basis for student themes or classroom discussion. Documentary and fine arts programs from educational television outlets as well as commercial stations are especially suitable for this purpose.

Materials for Curricular Enrichment

Customarily programs of this kind are not considered *sine-qua-non* components of the courses with which they are used. Instead they are regarded as supplementary and extraordinary, with their main emphasis being on special motivation and effect.

Articulable Teaching Elements

Television can be used to supply teachers lesson elements which are substantially articulable with other components of course operations, including textbook materials. Such television programs can be assigned a specific part of the total presentational load.

Electronic Adjunct Materials for Correspondence Course Training

Television can be used as an adjunct to the familiar correspondence course format. In some instances, enrolled students are advised that they should tune in to televised lectures and demonstrations which will be very helpful in their understanding of certain concepts to be treated through the regular (correspondence) format.

All the Elements for Total Teaching

Students can be taught exclusively by televised materials. The technique is employed in "extension education" situations where there are serious logistical blocks in the way of providing students with printed materials or in having them come together to meet with live instructors. (North Carolina State University has made use of this kind of televised training as in-service education for professional agriculturalists.)

Educators have now had 17 years of experience using TV in these ways, and 50 years' experience in radio to aid education. Surely these experiences can be helpful here.

The uses of television described thus far permit the mixing of new and more effective teaching materials into the basic and familiar educational setting. Taking many of these separate uses together, however, it becomes possible to understand how television as a communications instrument can be tailored to effect quite different and promising instructional operations.

These TV and radio techniques can be applied to a single school, a whole community, a state, or nationwide, or any combination of these areas. Costs, of course, vary with techniques and objectives. Simple one-school or one-district activities cost relatively little. National service can be relatively expensive, although per-person-reached costs can be very low in either case.

It may be that a period of experimentation and demonstration will be required in some areas to show what these devices can do in this assignment. Thus a limited number of model centers might be instituted as an effective means of aiding the legislation's intent.

In conclusion, we would like to underscore the NAEB's interest in S195 and S683 now before this committee. The need to pass legislation which will assist school systems in meeting the problems attendant to desegregation is clear and urgent. The facilitating role that educational radio and television in its many forms can play both in the community and in schools is a far too potent and useful resource to be overlooked as legislative strategies are designed to meet the pressing problems which attend schools as they cope with desegregation and seek to end racial isolation.

Senator **Pell**. Thank you very much, Dr. Morrisett and Dr. Perkins. Thank you both for being with us today.

Our final witness is Dr. Wayne Teague, superintendent of the Board of Education of Auburn, Ala.

Dr. Teague, we are very glad to welcome you here. You have a statement. Please proceed as you will.

Dr. **Teague**. Yes, I have a statement that will take no more than 10 minutes and I would like to read it.

Senator **Pell**. Fine.

STATEMENT OF DR. WAYNE TEAGUE, SUPERINTENDENT, BOARD OF EDUCATION, AUBURN, ALA.

Dr. **Teague**. My name is Wayne Teague, and I am superintendent of the Auburn City schools in Auburn, Ala.

I am pleased to be here today to participate in the hearings on the proposed acts which would provide emergency assistance to school districts in meeting the additional costs necessitated by the establishment of a unitary school system.

I believe that a large percentage of the funds should be provided for systems who develop proposals to assist them in financing their program on a systemwide K–12 basis. When all the children in a family are involved in similar school experiences, we have a much better opportunity of working with the parents to help solve the problems occasioned by school integration. If a system is permitted to develop one school as a model or pilot, then this school may be financed at the expense of other schools in this district. Parents would be more disturbed with this inequitable support of schools within the district, therefore, having another excuse for their flight to private schools. While I respect the right of any parent to place their children in private schools, I believe we must do everything possible to discourage the enrollment of children in hastily conceived, ill-planned, inadequately staffed, and poorly administered segregated academies.

I am in favor of some funds being used at the Commissioner's discretion to fund innovative and/or exemplary programs that school districts propose. Such programs could be districtwide or on a pilot basis in one or more schools. However, the problems must be attacked on all grade levels for all pupils as rapidly as possible. We simply cannot wait for models to be developed and proven; we must act swiftly and surely to provide equal educational opportunities of high quality in all our schools.

Many school districts in our region have been operating a unitary school system for 1 year now and can identify their most pressing problems and needs that have resulted from the disestablishment of the dual school system. While the problems and needs of individual school systems vary, I see the following universal needs of districts which are administering unitary systems:

1. Curriculum Revision

Curriculum must be revised to meet the individual instructional needs of every pupil regardless of how greatly educationally deprived or gifted. The school program must provide for children of diverse socioeconomic backgrounds, of a wide range of achievement levels, and of a great variety of personal aspirations and ambitions.

2. Teacher Training—Retraining

Teachers must have specialized training to deal with new curricula and methodologies that are mandated for individualized instructional programs.

The teacher who attended traditional grade and secondary schools, graduated from a traditional teacher training institution, taught to this point in a traditional school setting, and taught only pupils of his own ethnic background cannot be effective in a totally individualized instructional program. The inservice training provided must be from the entry into the profession to the exit.

3. Support Personnel

The classroom teacher should no more be expected to be totally responsible for the learning of the pupils in his class than we should expect a dentist to perform his regular duties and be the receptionist, the hygienist, and the X-ray technician. The classroom teacher must have such support personnel as: curriculum specialists, counselors, psychometrists, instructional aides, clerical aides, technicians, resource personnel, volunteer specialists.

4. Instructional Materials and Equipment

Curriculum revisions referred to above require multilevel, multisensory materials and the equipment needed for the presentation of these materials.

5. Early Childhood Education

Research clearly indicates a great need for providing formal educational opportunities for youngsters prior to age 6. This need is magnified for children from educationally deprived backgrounds. Head Start has rendered valuable services to many children; however, this program could well be provided for children a year younger.

This early childhood education is a critical need in States like Alabama where no State funds are available for pupils under 6 years of age.

6. Capital Outlay

In order to implement curricula revisions and individualized instruction programs, buildings must contain flexible space; therefore, money is needed to redesign existing facilities to accommodate such programs. In some cases new structures will be needed to house new programs.

7. Public Information Programs

Never has there been a time when a greater need existed for all citizens to be adequately informed about all phases of the educational program for their children. Support for and confidence in the public school system has lessened in recent years. Only through an adequately informed public can we hope to restore this confidence and support.

I recognize the need for leadership to implement programs to meet the needs listed above. Therefore, administrative and staff internships must become an integral part of the overall program.

Recent statements in the press attributed to persons in responsible positions in Washington and elsewhere disturb me. The general statements implying that no systems are using Federal school dollars wisely, that no district is trying to make integration work, and that no system is attempting to provide quality education for all pupils in its schools is malicious and unjust.

Senator **Mondale**. Can you name one person who said that?

Dr. **Teague**. No one in particular, Senator.

Senator **Mondale**. Do you have one person who said that? I have not heard that.

Dr. **Teague**. I think I am saying they imply it.

Senator **Mondale**. Can you name someone who implied that?

Dr. **Teague**. Of course, I know you think I am referring to you, Senator, but I am not.

Senator **Mondale**. No. Just anybody?

Dr. **Teague**. Well, some remarks that were made here today, such things as people have desegregated schools but have not integrated them, and later I think I am going to show how we are doing something about that.

Senator **Mondale**. The point I am making is that I have been very critical of the expenditure of ESEA funds on the grounds that I think much of it has been wasted and some of it has been spent illegally, but none of us have ever said, and I do not believe, that all of it has been wasted nor that no school district is trying very hard. I think there is a big distinction.

Dr. **Teague**. Senator, at this point, may I say that I have been very critical of many school systems myself, so I think we agree on that.

There are many systems that are spending the money wisely, that are making integration work, and are honestly attempting to provide quality education for all the children of all the people. Being superintendent of one of those systems that is trying to deal effectively with the problems occasioned by school integration, allow me a few minutes to present to you a plan that is working.

The Auburn City schools' plan for disestablishment of the dual school system was approved by the board of education and widely distributed throughout the community, including all school patrons, in February of 1970. The plan was later submitted to and approved by the Federal district court of jurisdiction.

The administrative staff and the board of education felt that any plan designed to completely disestablish the dual school system should be:

1. Legally acceptable.
2. Educationally sound.
3. Administratively feasible.

We believe the plan that we have developed meets these criteria.

The Auburn City Board of Education, the administration, and the professional staff of the schools are committed to providing quality education for all boys and girls in Auburn. We believe that this goal can best be accomplished through a program of instruction which is highly individualized. In order to provide instruction on an individual basis, it is necessary to know as much as possible about the learners. We have gained much information about our students through the services of the city schools' diagnostic center funded under Public Law 89-10, title III. We believe that as a result of this knowledge of our students, their differences, their abilities, their interests, their desires, their needs, and their learning problems, we can provide an instructional program based on individual student needs that will be recognized for its excellence.

Other school systems have developed similar programs in one school. one grade, or one subject level; we propose to develop such a program for the entire system. The size of the system is such that the undertaking is manageable.

In order to house our pupil population, it was necessary to use all existing facilities. Renovations necessary to accommodate new pupil age-grade groupings were provided from local funds.

The overall racial composition of the Auburn schools is 64 percent white and 36 percent black. The individual school enrollment percentages varied from 69–31 to 60–40. Transportation was provided for the pupils of Auburn schools for the first time in September of 1970.

With title IV Public Law 88–352 funds, an intensive 2-week workshop for all staff of the city schools was provided in August of 1970. Through this workshop new curriculums, methodologies, materials, and organizational patterns for individualized instruction were presented. The followup to this workshop was a limited amount of inservice activities for personnel throughout the year.

Title I funds of the Elementary Secondary Education Act have been used primarily for strengthening the academic programs for the deprived children in the primary schools. Title III funds of ESEA have provided diagnostic services and program development in mathematics, language arts, and social studies in the secondary schools. These title III funds will not be received after June 30, 1971.

Emergency school assistance program funds have been used as follows:

1. Community information programs
2. New and varied instructional techniques and materials to serve children from different ethnic backgrounds.
3. Additional clerical personnel.

Our request for emergency school assistance funds supported our commitment to an individualized instructional program through a staff-differentiated team approach. This is nothing more than the division of labor in education. The funds were spent for teacher aides, materials, equipment, and the local production of instructional materials.

Internal evaluation indicates that our approach to quality integrated education is effective. The indicators have been:

1. Our total enrollment has increased while the enrollment in most systems in our region has decreased due to the flight of whites from their systems to all-white private schools.
2. All extra-curricular activities in the schools have been retained. This is not true in many places. Participation in these activities has been excellent on the part of both races.
3. Vandalism has decreased.
4. Parent organizations, such as parent-teacher associations, have continued their activities on an integrated basis.
5. Racial tension among students has been very minor.

In summary, let me urge the committee to press for early passage of an Emergency School Assistance Act which will:

1. Provide time for adequate planning of programs for the 1971–72 school year. Some of the poor planning and implementation which resulted in criticisms of the 1970–71 ESA program could have been

avoided if adequate advance notice of the availability and use of funds had been given.

2. Provide adequate funds for the systemwide attack on problems and make provisions for innovative and/or exemplary programs of wide scope which encourage imaginative approaches to the alleviation of problems occasioned by school integration.

3. Provide for programs that will help all pupils in schools where problems have been intensified by integration. The entire range from the deprived to the gifted has been affected by school integration. Therefore, all children should profit from ESA funds.

4. Provide from Commissioner's discretionary funds those grants properly justified for facilities, remodeling, construction, etc. The parents need visible signs of what is being done. Also, often times, new programs could be initiated only if new facilities are provided.

The confidence in our public school system throughout the Nation has lessened in recent years. If we are to maintain our system of Government, we must have an educated citizenry; and I know of no way to provide education for all our citizens except through adequately financed public schools. The early enactment of an emergency school assistance program—one that can help us provide quality education for our pupils at a time when many people feel that we cannot—will help to restore some of the confidence that is so badly needed.

Senator PELL. Thank you very much, indeed, Dr. Teague. It is good to get a statement from one of the school superintendents who actually had to administer the program, and while there have been cases of abuse of the program, there have also been many cases where the money was well spent.

For that reason, again, I will ask the same question of each witness; do you have a preference between the two bills?

Dr. TEAGUE. I think there are those of you who are more knowledgeable of the kind of bill to finally pass. I would not evade the question. I think that I tend to favor the administration bill, however, I think that some of the things that I have asked for here could be incorporated in either bill and are incorporated in both bills—facilities among other things.

My plea to you is that you get some bill that will meet the needs that I have listed here and do it in time for us to make better plans for next year so that none of us can be critical of poor planning and mismanagement and so we will have more good things to say than bad things to say about the program.

Senator PELL. Are there any points in the Mondale bill that particularly disturb you?

Dr. TEAGUE. Yes. I think that—while I have not studied the bills carefully I have read them both. I think there seems to be too high a percentage of funds set aside for various items that could be done with proper restrictions on discretionary funds.

Senator PELL. I was not thinking of that. This is what we have to watch out for here, the percentages or proportions of discretionary funds. But are there any particular ideas with which you would disagree?

Dr. TEAGUE. I think not.

Senator PELL. Now, from the viewpoint of your conversations with other superintendents in your part of the country, do you think the general reaction to the $75 million expenditure has been favorable or unfavorable?

Dr. **Teague**. It varies certainly, but in my area, the ones I have come in contact with, have been very favorable. However, again, the uses vary so much—well, I think in our case the funds were needed and were used to improve our program. Practically all of ours went straight to the child at the desk and we are proud of it, in fact, we are proud enough to invite you down to see it. But I just say that and as someone said earlier this morning, those people who are operating programs have a hard time making fair evaluations.

Senator **Pell**. Thank you.

Senator **Mondale**. Auburn school system draws from a college population?

Dr. **Teague**. It is a university community, yes.

Senator **Mondale**. And it is about 2 to 1 white, is it not?

Dr. **Teague**. Yes, sir; almost. Exact pupil population is 64–36.

Senator **Mondale**. So then, under the 1970 court order you were required, in effect, to redistribute the children so that in each school there was a ratio very close to that of the city as a whole?

Dr. **Teague**. And "not be racially identifiable" were the words of the court.

Senator **Mondale**. Have you completed that?

Dr. **Teague**. Yes, sir.

Senator **Mondale**. When did you complete that?

Dr. **Teague**. As of September of 1970, the ratio in the school enrollment, as shown in my prepared statement, varied from 69–31 to 60–40.

Senator **Mondale**. So it is pretty close to the citywide average?

Dr. **Teague**. The only reason it is not exactly—when we arranged it, it was exactly 64–36, but due to some last-minute moves on the part of some pupils the other percentages developed.

Senator **Mondale**. So you have now been into the desegregated system for about half a year?

Dr. **Teague**. Well, two-thirds.

Senator **Mondale**. Were you the superintendent in the system prior to the desegregation?

Dr. **Teague**. I have been there 2 years. Yes, sir.

Senator **Mondale**. Are you in a position to say from an educational standpoint which system you think delivers the better education to most of the children, the desegregated system or the previous system?

Dr. **Teague**. No question in my mind, the integrated system.

Senator **Mondale**. Could you just tell that out a little?

Dr. **Teague**. Yes, sir; I would like a chance to, and it is not, I think, because you have white, black, or some other combination sitting together. I think this may, as I pointed out earlier this morning, provide certain improvements for certain students by contact; however, if the school system is truly trying to provide educational opportunities for all the children, then certainly this would be better, because in the past, you see, we have not really tried that. We just talked about it.

So really, in attempting to provide an individualized instructional program for all children, I think we are coming out with better educational programs in our community.

Senator **Mondale**. Do you have any evidence at all at this point bearing on how the children from poorer backgrounds are doing in the desegregated school system as distinct from how they were doing in terms of basic skills in the all-black schools?

Dr. TEAGUE. At this time, what I can say is nothing that we could document, but there will be. We do have basic skill tests and we will make these available. But our day-to-day evaluation certainly shows they are improving rapidly.

Senator MONDALE. It is your judgment and the teachers' judgment that the children from the poorer backgrounds are doing better than they did in the all-black schools?

Dr. TEAGUE. Yes, sir, and we have more to go on than just this year. We have had freedom of choice in our community now for a number of years and we have had token integration before this year. Well, last year we had more than token. For the black students who have been to white schools for more than a year, there is just no comparison in the rates of achievement they are making now and what they did in the past.

I think this needs to be noted also. Our community is one of extremes, more so than a typical Southern community. The white students in our community are all from professional families. I think the record shows that about a third of the white students come from homes where there is at least one Ph. D. as a parent. Contrast that with the black community where there are no professionals whatsoever. It is made up of all domestic families.

Senator MONDALE. One of the remarkable things about the desegretion-integration experience, many of the programs that work the best have been in college towns, Auburn, Hope County, Riverside, Berkeley. It is interesting. Maybe there is more receptivity there.

Dr. TEAGUE. Recently, I made a statement that Auburn puts education above its biases. I think this is true of most university communities.

Senator MONDALE. Now, when desegregation occurred under the court order, did you have much white flight into private segregated academies or private schools or the rest?

Dr. TEAGUE. We had practically none. We had a few. But this year our enrollment has actually increased over last year.

Senator MONDALE. Some of those who left the public schools are coming back?

Dr. TEAGUE. We had a few come back and we lost a few, but by and large, I would say that not more than 15 or 20 in the entire system this year went to white academies.

Senator MONDALE. You had in your testimony a comment that there has been very little fighting and tension that you can tell. Could you comment a little bit about how the kids are getting along and whether you think they are accepting each other as equals and just the human side of this process?

Dr. TEAGUE. We believe that they are accepting each other quite well. We felt last year when we had two grades of high school that were totally integrated that in the beginning it was more of toleration of each other. But with leadership in the school and a staff, as well as the student body, we saw student officers elected from both races. We saw cheerleaders elected from both races. We saw athletic teams elected from both races, and it seems that students are accepting each other very well this year. We think that integration is working

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real well in that respect. They are still not accepting each other as well as we would like, however.

Senator MONDALE. Are you having any resistance from teachers who just do not want to teach in the desegregated classrooms or who in their own attitudes are reflecting a bias, who are kind of holdouts, even though they are in the system? Are you having much trouble that way?

Dr. TEAGUE. Very few. We may have had some that left us a year or two ago. Maybe some of those who left did not want to face integration. But those who remained with us we feel are giving it strong effort.

Senator MONDALE. This was ordered to be done by court order in Auburn. What would be your guess now if the court withdrew its jurisdiction and the community could decide voluntarily as to whether the Auburn community would like to go back to what it had or prefers what it is doing now. Which do you think?

Dr. TEAGUE. I am afraid it is too early to make that prediction. I really do not know. I think I know.

Senator MONDALE. Your personal judgment, as an educator, is that it is far superior, but what the community may think about it at this point——

Dr. TEAGUE. I think it may take another 1 or 2 years for us to give them the data that we are collecting now to show that all the children have gained and not just a few. You see, most individualized programs over the country now are reporting that the better students gain more from individualized instruction. So this would have a positive effect in our community. You see, we know that the others gain tremendously, too, but many people in our region and I guess nationwide—fear that integrated schools would bring a so-called lowering of standards. So they need some pretty good proof that this has not happened, and we must give it to them.

Senator MONDALE. In other words, white parents from the middle-class backgrounds will feel a lot better about this program if they think their children are doing as well or better than they did before? That they are not being hurt. That is one of the key elements, and in most places I think that is exactly what has happened, particularly when there is a majority of advantaged student bodies, which apparently you have.

I have a few more questions for the record, Mr. Chairman, dealing with faculty ratios, black-white faculty ratios, but I will submit those for the record and perhaps the witness can respond for the record.

Senator PELL. I would be very grateful if that could be done.

Dr. TEAGUE. Fine.

Senator PELL. The record will stay open until March 26. This concludes the hearings on this bill. We will start executive sessions next Wednesday and hope that we can come out with a bill by the end of next week.

I thank you for your very constructive and hopeful testimony, Dr. Teague. The hearing record will remain open for the next 8 days.

At this point I order printed all statements of those who could not attend and other pertinent material submitted for the record.

(The information referred to follows:)

Prepared Statement of Joseph L. Rauh, Jr., on Behalf of Americans for Democratic Action

Mr. Chairman, equal educational opportunity has never been sought on a comprehensive basis with all the resources which are needed. While Congress has dealt with the problem on a piecemeal basis over several years, it has never fully considered nor resolved the issue. This is tragic, for our children are our most basic and precious resource. Equal educational opportunity is an essential in the promise of America ; without it the promise is meaningless.

Seventeen years ago, in the *Brown* decision, the Supreme Court dramatically opened the public debate on providing equal education in our nation's elementary and secondary schools. The focus was on desegregation—the dismantling of the *de jure* segregated dual school system in the South. For 10 years, this problem moved little beyond the debate stage. Then the Civil Rights Act of 1964 was passed by Congress, and through Titles IV and VI, the elimination of separate schools in the South was actively undertaken. According to the Administration, over 95 percent of Southern school districts are "in compliance." But only 38 percent of the black children in the Deep South are in majority white schools.

In 1965, the Congress focused on another aspect of equal educational opportunity—the recognition of educationally disadvantaged children from low income families. The Elementary and Secondary Education Act of 1965 is the most important, as well as the most comprehensive, education legislation ever passed. Under it, additional resources are poured into schools serving economically and educationally disadvantaged children. It is still unclear whether and/or what methods of compensatory education can close the gap between educationally advantaged and disadvantaged children. But among laws now on the books, it is mainly through Title I of ESEA that these questions will be resolved.

The 1967 national survey, Equality of Educational Opportunity (the Coleman Report)—a special Congress-initiated study under the Civil Rights Act of 1964—concluded that the achievement level of educationally disadvantaged children rises significantly when such children are in a classroom with a majority of educationally advantaged children. This finding added important impetus to the contention—along with the moral, psychological and social arguments—that minority group children and, indeed, all children, receive better educations in integrated schools. Though Title I is dealing with the problems of the educationally disadvantaged in their present schools, and Titles IV and VI of the Civil Rights Act of 1964 have desegregated—with the guidance of the courts—the rural areas and small towns of the South, there has been no legislation (nor Administration pursuit in court or under Title VI) aimed at integrating schools nationwide, especially in urban areas. The first proposed legislation to *integrate* our nation's schools to be seriously considered by Congress is before this Subcommittee today—S. 683, the Quality Integrated Education Act of 1971, introduced by Senators Mondale, Ribicoff, Brooke, and Case, together with 15 of their colleagues.

The findings and purpose of S. 683—that segregation of children by race, color, or national origin, is harmful and deprives them of equal educational opportunity no matter what its cause or origin, that segregation exists throughout the country, and that the establishment and maintenance of stable, quality, integrated schools improves the quality of education for all children—recognize the need for and promise a commitment to school integration nationwide. Especially important is the bill's requirement that integrated schools have a substantial portion of educationally advantaged and educationally disadvantaged children, thereby taking into account the importance of economic diversity in meaningful integration. The Administration's bill, S. 195, the proposed Emergency School Aid Act of 1971, does not set such a positive goal nor does it make such a positive commitment. Indeed, the bill deals with desegregation—the term of past years. The distinction between desegregation and integration of education—the latter a more positive, innovative effort to bring about an improvement in educational quality and meaningful, lasting integrated assignment of teachers and pupils—is a basic and underlying distinction between the Administration's bill and the Mondale-Brooke bill.

Not only does S. 195 speak solely in terms of desegregation, but it fails to set a desegregation (or integration) standard. Under S. 195, school districts desegregating under court orders or Title VI of the Civil Rights Act of 1964 would be funded whether or not meaningful integration of students and faculty were taking place. In addition, it would fund districts not under legal obligations to desegregate which "reduce minority group isolation" to some undefined level.

S. 195 also ignores the complex problems involved in integrating schools of our nation's large cities. "Reducing minority group isolation" and concern about preventing "minority group isolation reasonably likely to occur" in schools with as little as 10 percent minority group enrollment represent a very superficial consideration of the factors involved in urban integration. This would not be the case under S. 683. It would reserve significant amounts of money for techniques which are highly relevant to big city integration—development of educational parks and inter-district cooperation, and for other special integration programs—integrated educational television and programs operated by nonprofit community groups and agencies.

Where school districts have been desegregated, little attention has been paid to the way in which student assignment has been carried out or to what happens to minority students and faculty within "desegregated" schools. While the $75 million Emergency School Assistance Program (ESAP)—the forerunner of S. 195—was supposed to deal with these issues, identified as "emergencies" by the Administration, this appears, in many instances, not to have been the case. A well-documented report on the administration of ESAP by six civil rights organizations—a report now largely corroborated by the General Accounting Office—pointed out dramatically widespread and serious abuses of civil rights law and program regulations by school districts receiving ESAP funds. The report documented discriminatory conditions in "desegregated" districts in the South—many black students were in separate classrooms or segregated within classrooms and rode segregated buses, and many black faculty members were not assigned according to desegregation plan requirements or were discriminatorily dismissed and demoted. The report also showed that ESAP funds were used in support of questionable projects and as general aid only remotely or unrelated to desegregation.

There is little in S. 195 to prevent such types of action from continuing or even spreading to school districts about to initiate school integration.

First, the same types of general programs funded under ESAP would be funded under S. 195, including the catch-all "other specifically designed programs or projects which meet the purpose of this Act." Under S. 683 this provision is excluded, and the list of fundable programs is exclusive and more specifically directed to programs to aid in successful integration. S. 195 continues the possibility of additional abuses by authorizing unlimited expenditures for repair, minor remodeling, alterations, or acquisition of equipment and mobile classrooms. On the other hand, S. 683 provides that no more than 10 percent of any grant may be used for these purposes.

Second, in S. 195, there is no provision for parent and teacher participation in the development and implementation of projects funded under the Act. Poor and minority group parents, no more so than middle class white parents, are any longer willing to let the educational establishment make all the educational decisions affecting their children. S. 683 takes cognizance of this fact and requires open hearings at the local level and the formation of biracial committees composed equally of minority and non-minority persons, at least 50 percent of whom must be parents of children affected by the program, to assure their participation in the development and implementation of integration projects.

Third, under S. 195, there is no requirement that local educational agencies disclose the provisions of applications before or during their implementation. S. 683 would require full public disclosure.

Finally, while S. 195 has added the eligibility safeguards adopted by the Subcommittee on Education in considering the version of the Emergency School Aid Act introduced last session it relies entirely upon federal officials to assure compliance with its requirements and related legislation. It was sole reliance on such procedures which permitted the unfortunate ESAP experience to occur. By contrast, S. 683 reserves 3 percent of the authorized funds for reimbursement of attorneys' fees in successful lawsuits under the Act, Title I of the Elementary and Secondary Education Act, Title VI of the Civil Rights Act of 1964 and the equal protection clause of the Fourteenth Amendment. This is extremely important, for it not only gives local citizens recourse where program and compliance abuses occur, but it will allow full-scale legal attacks on segregation and discrimination in urban areas where costs of such action are now prohibitive.

In sum, the gap between the Mondale-Brooke bill, S. 683, and the Administration's S. 195 is no less than the gap between the right road and the wrong one. The Mondale-Brooke bill is like a bright open highway towards more integrated education and with it a more integrated society. The Administration bill is like a road full of ruts and detours so great as to make one wonder whether it is in fact going in the same direction. If the 92nd Congress intends to make progress towards the goal of integrated education and an integrated society, there is only one road it can take.

Mr. Chairman, on behalf of the Americans for Democratic Action, I strongly urge that this Subcommittee report a bill along the lines of S. 683. The quality, integrated schools approach of that bill addresses itself directly to the key to equal educational opportunity, especially in urban areas. While it is not the final answer to achievement of systemwide integration, it does represent an essential first step which sets out comprehensive provisions. I wish to reiterate the recommendation of others who have testified on this legislation that the Subcommittee strengthen S. 683 by giving a clear priority in funding to school districts which establish all of their schools as stable, quality, integrated schools in accordance with the bill's definition.

I personally would prefer that Congress enact *now* a nationwide compliance program *requiring* an end to racial isolation, on a systemwide basis, along with the substantial sums of money which will be essential to bring this objective about. Nothing short of this will eliminate racial isolation in the schools of America. Short of that, however, S. 683 is a promising first step upon which we can build in the future. It should be approved.

Mr. Chairman, Americans for Democratic Action has long supported the proposition that the federal government should assist in desegregating the nation's schools. We fought for the so-called "Part III" in the Civil Rights Act of 1957, the deletion of which set desegregation back almost a decade. We were involved in 1958 in the drafting of a bill sponsored by your former colleague, Senator Douglas—a bill which was a forerunner of Title IV of the Civil Rights Act of 1964. We have supported the technical desegregation assistance program authorized by Title IV, and we continue to do so today. We have supported a more adequate level of funding for that program.

Now, however, is the time to take the step away from what is required as a minimum to comply with the law. The Congress should be raising its sights to deal with racial isolation in the public schools regardless of cause and the unequal educational opportunity which accompanies it. Now is the time to take the first step toward a national program to accomplish this goal. That first step is represented by S. 683, and I urge that the Subcommittee report it out for further action by the full Committee on Labor and Public Welfare.

Thank you, Mr. Chairman and members of the Subcommittee, for your attention.

MAR 19 1971

INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA

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March 17, 1971

Senator Claiborne Pell
Chairman, Subcommittee on Education
Committee on Labor and Public Welfare
U.S. Senate
Washington, D. C.

Dear Mr. Chairman:

The Senate Subcommittee on Education has an opportunity this year to refocus the discussion of equal educational opportunity and school integration away from minimum compliance with the law to the vital and much more positive question of how to establish stable, quality integrated education. We believe integrated education benefits all children; it certainly benefits our nation by bringing together young people from varied backgrounds to prepare them for a future in a diverse, multi-racial and multi-cultural society. .

The Subcommittee has before it two principal proposals -- the Administration bill (S.195) and a bill reported by the Subcommittee last year and reintroduced this year by Senators Mondale, Ribicoff, Case, Brooke and others. The latter, S.683, is clearly superior because it establishes a framework for a national program to end racial isolation regardless of cause. It does not repeat the distinction between de jure and de facto school segregation -- a distinction which, in many cases, exists in name only. We agree with those who contend that in many of the cases of what we call de facto segregation there exist de jure factors.

In any event, we see no reason why this distinction must be repeated by categorizing the types of districts to receive assistance. Assistance under the bill your Committee reports should be available to end minority group isolation regardless of cause in schools throughout our nation, and the bill should set a standard of integration to be achieved as a condition for receiving assistance.

The Mondale-Brooke bill is not the final answer to what will be needed to eliminate racial isolation in the schools of America, but it does represent a step in the right direction. What will be needed is a national compliance program to end minority group isolation accompanied by substantial financial assistance which will be essential to accomplish the task. In the absence of such a comprehensive program, however, S.683 would represent a wise initial investment in integrated education.

One of the major shortcomings of the Administration bill, S.195, is its failure to set forth a clear standard of integration to be achieved in schools assisted under the Act. The granting of assistance to desegregating school systems or those which are reducing minority group isolation, without defining the terms "desegregating" or "reducing", is to do so without setting any standard of racial integration at all. Moreover, the Administration bill fails to recognize the importance of economic as well as racial integration in the success of integrated education. It is the integrated schools approach, with its definition spelling out a high standard of economic and racial integration of students and faculties as a condition for receiving assistance, which especially recommends S.683 to us. The highest priority in funding under S.683, of course, should go to school systems which integrate all of their schools in accordance with the definition, and we hope such a funding priority will be spelled out in the bill marked up by the Subcommittee.

In addition to the integrated schools approach -- a fundamental difference between the Administration and Mondale-Brooke bills, we support the earmarking of funds for pilot projects in integrated education to provide lessons which can be applied elsewhere in the future to create quality integrated education. For example, we endorse the reservation of funds in S.683 for interdistrict cooperation to bring about integration of schools. Without such cooperation, it will be very difficult indeed to integrate in any meaningful way the schools in many of our metropolitan areas.

The concept of educational parks is one which deserves a more serious test than it has yet received. For this reason, we are hopeful that the Subcommittee will concur in the provision in S.683 for earmarking funds for development of model integrated educational parks in metropolitan areas. We also support the earmarking of funds for development of integrated children's television programs.

We enthusiastically endorse the provisions of S.683 setting aside 3 percent of the authorized funds for reimbursement of private attorneys' fees in successful lawsuits under the Act, Title I of the Elementary and Secondary Education Act, Title VI of the Civil Rights Act of 1964 and the equal protection clause of the Fourteenth Amendment. This provision would provide a needed incentive to private attorneys to become involved in school integration litigation with the objective of protecting and securing the rights of minority and disadvantaged children which, in many cases, are not now being protected.

We particularly urge this Subcommittee to accept the provisions of S.683 requiring full public disclosure and parent and teacher participation in the development and implementation of projects. Another important provision of

S.683 not included in the Administration bill is that which earmarks funds for the participation of nonprofit community-based organizations in the development and implementation of projects to promote integration. If we have not learned by now that meaningful involvement of the community is essential for success in school integration, we have not learned anything. This Subcommittee should assure such involvement by accepting the provisions of S.683 on this point.

Mr. Chairman, we in the United Auto Workers believe the Administration deserves commendation for suggesting that $1.5 billion be authorized to assist in school desegregation. It is our judgment, however, that the Administration bill fails to measure up to the rhetoric which has been used to describe it. Furthermore, the abuses widely reported in the spending of the $75 million in school desegregation assistance funds appropriated by Congress last year raise serious questions in our mind as to whether the Administration bill would result in more of the same. Therefore, we have come to the conclusion that S.683, for the reasons outlines above, is clearly the superior bill. We hope the Subcommittee will concur in that judgment and report out S.683 for further consideration by the full Committee on Labor and Public Welfare.

We would appreciate the inclusion of this communication as part of the hearing record on this legislation. Thank you for your consideration of the views of the UAW in this matter.

Sincerely yours,

Jack Beidler
Legislative Director

JB:sr
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JAMES A. SENSENBAUGH
State Superintendent
of Schools
Baltimore, Maryland

DON M. DAFOE
Executive Secretary

March 18, 1971

The Honorable Claiborne Pell
Chairman, Subcommittee on Education
Committee on Labor and Public Welfare
U.S. Senate
325 Old Senate Office Building
Washington, D.C.

Dear Senator Pell:

We have been following with interest the hearings on Emergency School Assistance and have particularly noted allegations of abuses in the utilization of the $75.0 million which was made available late last summer. It is our observation that the late action in making these funds available gave little time for those responsible for the program at the federal level and those who would be making application at the local level to properly plan their efforts. Undoubtedly some poor projects and some poor handling of funds resulted.

In addition, while we have no concrete evidence to support this statement, we believe that the influence of the hastily conceived advisory committees (sometimes referred to as the Spiro Agnew committees) may have influenced some allocations and may have added to the haste and confusion.

A third factor, which in our opinion is a key one, lies in the fact that there was an attempt to administer these programs on a direct relationship between the U.S. Office of Education and the local school districts with only incidental and unofficial involvement of the state education agencies. It is paradoxical, for example, that in the state of Georgia where a court suit had been filed against the state education agency to accomplish integration, funds for emergency school assistance to foster integration were being handled directly by the federal government and the state without official involvement of the state agency.

We all recognise that while education is not recognised in the federal constitution, education is a national concern and there should be large amounts of federal funds provided for education aimed at national priorities as well as the general welfare. However, it is our firm opinion that these funds should in all cases relating to elementary and secondary education be channeled directly to and administered by the state education agency which is designated by the constitution and/or statutes of the state as responsible for elementary and secondary education. Then the responsibility for monitoring the implementation of programs should be fixed at the state education agency level.

In many years of experience with the U.S. Office of Education and other federal agencies with regard to federally assisted education programs, it has been my observation that the federal agencies do not provide the proper framework from which to exercise the vital leadership functions necessary to actually accomplish educational improvements. There is, in our opinion, absolutely no justification for any federal agency directly involving itself with a local educational agency in matters related to elementary and secondary education unless it be at the request of the state education agency. The more one observes the functioning of education programs within the states, the more it should be obvious that the only real hope for accomplishing significant improvements and the effective utilization of federal funds aimed at such improvements is through the medium of a strong state education agency.

We strongly believe, therefore, that the Emergency School Assistance legislation at the federal level must specifically provide that the funds be administered by the state education agency and the responsibility for reviewing, approving, and monitoring the projects and programs be fixed in that agency.

Yours sincerely,

Don M. Dafoe
Executive Secretary

[Telegram]

LEADERSHIP CONFERENCE ON CIVIL RIGHTS,
Washington, D.C., March 24, 1971.

Senator WALTER MONDALE,
Senate Office Building,
Washington, D.C.

The executive committee of the Leadership Conference on Civil Rights, at its meeting on March 23, 1971, endorsed the principles of S. 683, the Quality Integrated Education Act of 1971. We recognize the administration's foresight in proposing special funds for desegregation of the public schools. We believe the Mondale-Brooke bill will not only avoid the documented abuses which attend the expenditure of last year's $75 million preliminary grant, but will also provide major incentives for progress toward meaningful integration in our public schools. Representing 125 civil rights, religious, labor, fraternal and civic organizations dedicated to the goal of a democratic society integrated in all respects, we support your efforts for quality integrated education as embodied in S. 683.

ROY WILKINS,
Chairman, Bayard Rustin Executive Committee.

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State Superintendent
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Baltimore, Maryland

March 22, 1971

The Honorable Claiborne Pell
Chairman, Subcommittee on Education
Committee on Labor and Public Welfare
4230 New Senate Office Building
United States Senate
Washington, D.C.

Dear Senator Pell:

Enclosed is a statement from the Council of Chief State School Officers regarding the Emergency School Aid proposals now under consideration by the Subcommittee which you chair. The statement is being sent at the invitation of Stephen Wexler, Counsel for the Subcommittee.

The two principal points are made in the testimony. One major point is the urgent need to directly involve the state educational agencies in the operation of this proposed program which we feel can best be done by making them directly responsible for operation of the programs as is the case for most other federal programs for elementary and secondary education. Most of the bills before your Committee would largely by-pass the state agency.

The second major point is the timing of the appropriation. School districts need to know well before schools close this spring what funds are available in order to use the summer months for staff training and other development work to produce effective approaches to school desegregation programs.

The Council appreciates the opportunity to present its views to the Subcommittee. A copy of this statement is being mailed to each member of the Subcommittee.

Sincerely yours,

B. Alden Lillywhite

B. Alden Lillywhite
Federal Liaison Assistant

Enclosure

cc: Members, Subcommittee on Education
Committee on Labor and Public Welfare

Honorable Alan Cranston
Honorable Thomas F. Eagleton
Honorable Edward M. Kennedy
Honorable Walter F. Mondale
Honorable Jennings Randolph
Honorable Harrison A. Williams, Jr.

Honorable J. Glenn Beall, Jr.
Honorable Peter H. Dominick
Honorable Jacob K. Javits
Honorable Winston L. Prouty
Honorable Richard S. Schweiker

COMMENTS ON EMERGENCY SCHOOL ASSISTANCE LEGISLATION 1/

Testimony Submitted to the
Senate Subcommittee on Education
Committee on Labor and Public Welfare

Mr. Chairman and Members of the Subcommittee:

The Council of Chief State School Officers appreciates the opportunity to submit testimony in support of the type of federal assistance envisioned in the Emergency School Aid Act. The federal funds provided by the Emergency School Assistance Program during the current school year for increased personnel and for new types of community activities and school programs to meet the difficult problems inherent in achieving school desegregation and preventing racial isolation have proved of immense value in assisting school systems implement court ordered and voluntary desegregation plans. In the face of severe tension and near-crisis situations, this federal assistance helped bring a degree of stability to these school districts where fundamental changes in school attendance patterns and in community attitudes were necessary.

The Emergency School Assistance Program now in effect was the first step of the Emergency School Aid Act (ESAA). Early enactment of authorizing legislation and appropriations to implement the authorization is essential if school districts across the nation are to make maximum use of the assistance program during the 1971-72 academic school year. The need for federal assistance for the purpose specified in ESAA is clearly evident. The great educational challenge in the immediate future for many school districts is providing quality education for all children as the desegregation process continues. Thus, the Council of Chief State School Officers urges early action in enacting the authorizing legislation. Our comments on the nature of the provisions which we feel would be most helpful are described briefly below.

The Council does not specifically support one bill as opposed to other bills under consideration by the Subcommittee. We note that S. 195 has the same basic objectives as S. 683. However, it is the opinion of those of our membership most intimately acquainted with school desegregation problems that the approach taken in S. 195 and most of its provisions are preferable to the major provisions in S. 683. Comments in support of this position will be developed later on in the testimony.

A major deficiency in most, if not all of the bills is that they give state departments of education very little authority or control in administration of this assistance program. Applications from local school districts for all but 20% of the funds are to be submitted through state educational agencies for review and comment

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1/ By B. Alden Lillywhite, Federal Liaison Assistant, Council of Chief State School Officers, March 19, 1971 and the Secretary is required to consider those comments in his action on the applications. From that point on, the state agencies have little, if anything, to do with program operations. They have no veto or disapproval authority and very little, if anything, to do with actual operation.

This seems to the Council to be an unusual procedure, to say the least, when the same local school districts which receives the federal funds are subject to the laws, rules, and regulations of the state educational agencies in most all other education activities which they conduct including the administration of federal funds for other programs as well as state and local funds. More important, however, states have the responsibility of providing leadership, and giving advise and technical assistance to local districts in complying with Title VI of the Civil Rights Act and the state agencies are called on to make many determinations regarding segregation-desegregation practices that vitally affect local school districts.

More astonishing than these aspects, however, is the fact that the Administration is now proposing to give the states in its emerging Special Revenue Sharing Act approximately $3.1 billion of federal funds for education, with virtually no strings attached except that specified sums must be used in each of five broad national priority areas. States are to have authority even to set the formula for distribution of most of these funds to local districts within the states. It seems to the Council to be completely inconsistent to give the states such complete authority over the major block of federal funds on the one hand and then to almost completely bypass the same agencies in this program that deals with perhaps the most difficult problem presently faced by educational agencies.

The Council believes that this Emergency School Aid Act should be a state administered program under a state plan or similar arrangement. This will make possible the necessary coordination with other closely related or supplementary federal programs and will enable the states to exercise their leadership role and to play an integral part in the administration of this program.

It is noted that S. 195 reserves 20% of the appropriation to the Secretary to fund potential models and other types of activities found useful in the various aspects of decentralization. S. 683 authorizes such activities without regard to the limitations of state distribution formulas. It would seem likely that a compromise between the two bills could be reached on this point without limiting the funds available for allottment among the various states. This "risk capital" invested in demonstration desegregation if properly managed could produce a significant impact on the entire educational system as well.

We do not oppose the reservation of this 20% for use by the Secretary for special purpose projects, but we feel that it also could be administered by the states with a greater degree of effectiveness than when it is administered by an agency not responsible for the 80%. This statement is based on the recommendation made above of administering the program through the state educational agencies. In the event that the 20% is reserved for administration by the Secretary, projects approved under it should first be submitted through the state educational agency and their operation should be executed in close cooperation with the state or other administration of the 80%. If this cooperation and close working relationship is not achieved between the two parts, the advantages of the "risk capital" or "seed money" for demonstration projects may be largely nulified because these projects would in effect be run in relative isolation from the other program.

Equally important to arrangements for administering this assistance program is the time of year the funds become available for use by local districts. Principle uses to be made of the funds is summer workshops or training sessions of school personnel, developing materials or procedures for new programs and activities, minor renovations of buildings and planning for installing new and different activities when school opens in the fall. Unless the local school superintendents know in advance of the closing of school in the Spring that funds will be available shortly after spring closing, they cannot make commitments to school personnel for their employment during the summer in planning, training, developmental and rehabilitative activities. Moreover, if the commitment is made but funds are not available, such employment of staff will be lost and the districts will face opening of school in the fall without the necessary preparation for most effective operation. A number of school superintendents have told us that they could make much more efficient use of the funds with this lead time available for planning and other preparation. The $75.0 million for Fiscal Year 1971 was not available to school districts until August 26 and many of them began project activities without the necessary planning activities. We would strongly urge, therefore, that action on the authorizing legislation be completed and the necessary appropriation made as rapidly as possible. If possible, the amount of funds that are to be available should be known by May 1.

Some comments on the provisions of S. 195 and S. 683 seem appropriate. S. 195 authorizes the appropriation of a total of $1.5 billion over a two-year period. Funds appropriated for one fiscal year remain available for obligation during the subsequent fiscal year. Eighty percent of the funds are allotted among the states for the following three categories of eligibility:

- Districts implementing a court ordered or Title VI desegregation plan;
- Districts voluntarily seeking to desegregate an entire school system; and
- Districts seeking to eliminate or reduce racial isolation in one or more schools or to prevent such isolation from occurring.

The requirements are uniform and would permit any school district seeking to integrate its schools or to prevent segregation could qualify under one or more categories.

Financial assistance would be available under both S. 195 and S. 683 for a wide variety of activities related to the desegregation process. S. 195 gives local educational officials the widest possible latitude in devising programs designed to meet the special needs of the children of their particular school district. The only limitations on supportable programs are that they require additional funds, over and above the normal expenditures of the school district, and that they be directly related to desegregation or the elimination, reduction, or prevention of racial isolation.

S. 683 earmarks a large percentage of funds for special purposes and does not provide for the flexibility required to cope with the various problems of individual school districts. Projects operating under required legislative earmarks are likely to become stereo-typed and will neither allow for nor produce the innovative approaches so necessary to reduce polarization and provide working relationships for maintaining and improving the quality of education.

Considering the amount of funds contemplated relative to the overall need, the earmarks for attorney fees and education parks seem to us to be undesirable. While these activities may be noteworthy under different circumstances, they seem to be of low priority relative to activities more nearly designed to meet individual district needs.

S. 683 could possibly encourage remedial action only in those schools where racial balancing is easiest, leaving high minority concentrations without assistance which would tend to perpetuate segregation in many individual schools. For these reasons, we would favor a bill more nearly like S. 195 than S. 683 although it would seem that the best features of both might be combined.

S. 683 limits its assistance to approximately 1,000 districts out of about 22,000 districts, and requires specific expenditures for a more limited number of children than S. 195, and would eliminate complete states from eligibility because there would be no district within certain states which could meet the eligibility requirements. It is difficult to justify eliminating 1.6 million minority group children from being eligible for desegregation assistance.

We believe that the flexibility of S. 195 modified by state agency administration will produce more actual desegregation by focusing on specific problems of large numbers of children.

The wide latitude given districts in the purposes for which these funds can be used has been noted and we feel this is desirable. At the same time, this discretionary authority carries with it an obligation that projects be developed with extreme care and that there be a searching review of every project by the approving agency to assure that the project activities are appropriate to the problems to be dealth with and that there is some reasonable assurance that the project plans are adequate for successful operation. Thus, technical assistance from the states, the central office, or from private firms in developing project structure and methods of operation would seem to be highly desirable. In this connection, it would seem appropriate that efforts not be made to allot the proposed $1.0 billion for 1972 during the 1972 Fiscal Year. It may be more prudent to limit the amount of funds to be expended during 1972 to $500 million and the same amount in 1973 rather than trying to allot the full $1.0 billion in one year. Under this procedure, the funds should be available for expenditure through Fiscal Year 1974 or 1975. A little more time and care in planning and initiating project operations would likely make for more effective results in the long run.

We note with some concern that no funds are requested for Fiscal Year 1972 budget for the operation of Title IV of the Civil Rights Act of 1964. While Title IV may be unnecessary during the period ESAA is in full effect, we feel that it should not be repealed. It provides resources not available under the proposed legislation by supporting technical assistance units in state departments of education, colleges, and universities, and through numerous institute programs. In addition, Title IV staffs provide a reservoir of school administrators experienced in the desegregation process for assisting other districts. This authorization should continue to be available for assistance during the long pull after funds appropriated under the ESAA have been expanded.

In conclusion, we urge the Subcommittee to take prompt action on this legislation to assure that funds will be made available as quickly as possible for more effective planning, that the funds be channeled through state educational agencies, and that support for Title IV be continued to provide needed technical assistance.

BOARD OF EDUCATION
SCHOOL DISTRICT OF THE CITY OF NIAGARA FALLS, NEW YORK
607 WALNUT AVENUE
NIAGARA FALLS, N. Y. 14302

March 22, 1971

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Honorable Jacob K. Javits
Senator
Senate Office Building
Washington, D. C.

Dear Senator Javits:

I am enclosing copies of two newspaper articles which I hope will be of interest to you. Each is relevant to the other, even though, apparently, contradictory.

The shorter of the two, "Schools Lagging On Integration," was published March 18, 1971, in the Niagara Falls Gazette. It is a report of testimony by two former U. S. commissioners of education to a Senate subcommittee on education. According to their testimony, there are only two school districts in the country that are "really integrated." The two mentioned are White Plains, New York and Berkeley, California.

The other article was published as part of a series on February 14, 1971, in the Albany Knickerbocker News. This article quotes Ewald B. Nyquist, New York State Education Commissioner, extensively. One of the quotes developed by the Knickerbocker News interviews is as follows:

> "Niagara Falls has become the largest city in New York State and one of the largest in the nation to have accomplished a voluntary district-wide plan of total school integration."

I call these two newspaper articles to your attention with hopes that they might be brought to the attention of the various Senators involved and possibly included in the minutes of the particular subcommittee. We are proud of our school integration plan and the success with which it is operating. Many people devoted thousands of hours in developing the plan and then, later, implementing it. To fail to recognize their accomplishments would be unfair to these dedicated citizens and to our school district.

We are including a copy of the program which was utilized in the integration of our school district. Should you need extra copies of the plan for distribution to your fellow senators and/or other parties interested in the Niagara Falls integration plan, please let us know and we will transmit them to you post haste.

In closing, I would like to express our appreciation for all your efforts on our behalf. Your dedication to the cause of quality education for all cannot be disputed. If there is anything we in Niagara Falls can do to assist you in any of your presentations or programs, please do not hesitate to call on us.

Yours truly,

Albert J. Chille

Albert J. Chille, Administrator
School-Community Relations

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encs.

[From the Knickerbocker News Union-Star, Albany, N.Y., Feb. 16, 1971]

INTEGRATED SCHOOLS: NIAGARA FALLS LEADS—STUDY IN BLACK AND WHITE

"Niagara Falls has become the largest city in New York State and one of the largest in the nation to have accomplished a voluntary district-wide plan of total school integration."

(Editor's note: The following is the first of two articles on a "Study in Black and White," the story of school integration in New York State.)

(By Carol R. Richards)

Back in 1965, neither Niagara Falls nor Mount Vernon School Districts had gone any further toward integrating their schools than the planmaking state.

And both had groups of citizens opposing even the plan-making.

But by this year, Niagara Falls, population 86,000, has become the largest city in New York State and one of the largest in the nation to have accomplished a voluntary district-wide plan of total school integration.

And Mount Vernon has made something of a name for itself for its ceaseless battle against the state's efforts to integrate its school system.

"The difference," says State Education Commissioner Ewald B. Nyquist, "is the kind of leadership you have in your board of education and your superintendent of schools."

Mr. Nyquist, who has set school integration as the department's top priority, cited Niagara Falls and Rochester—where the school board is reported on the brink of voting in a district-wide integration plan—as examples of top board and supervisory leadership. But in some other districts, which he declined to name, Mr. Nyquist said "the school boards and superintendents show no commitment, no dedication."

The integration success stories aren't many. Still segregated despite many experimental integration programs are the Big Six school districts, which contain 95 percent of the state's black and Puerto Rican pupil population. New York City, which has the most urgent problem is viewed as the school system the farthest from integration.

None accomplished success painlessly, and none overnight.

The Niagara Falls story began in 1964 when a citizens group produced a school integration plan. But no action was taken. Then in 1967 there were racial disturbances in the city and the NAACP threatened legal action if some progress weren't made toward ending school segregation. Early in 1968 a citizens committee of more than 30 persons from various walks of life was named by the school board. The group developed, then rejected, numerous proposals. It was the 18th plan that finally won group endorsement, and it was back to the drawing board when plan 18 was rebuffed by the community.

In September, 1970, "Plan 21" was put into effect. Attendance circles were drawn around each elementary school. Inside each area the racial breakdown is within 10 per cent of the district-wide elementary school ratio of 82 per cent white; 18 per cent black. "Integration" under the state definition, is when schools contain approximately the same racial balance as the district as a whole.

While the citizens group was working on proposals, various community groups were voicing strong opposition to aspects of school integration. Petitions were collected, boycotts were threatened and lawsuits wer instituted.

But now that the plan is in effect, both state and local observers report "remarkably little fuss" and meanwhile, Superintendent Harry J. Kalfas has reported developing friendships among the youngsters and increased participation by parents in school affairs.

The Westchester County community of Mount Vernon, on the other hand, had gone so far as to propose a school integration plan in 1965 which then Commissioner James E. Allen Jr., hailed as an imaginative approach to the problem of racial imbalance. But the plan—which called for construction of a special academy to be attended by all children two days week—was too expensive for the district to carry out. So in 1968, when legal action was brought against the board by the black community, Mr. Allen ordered the transfer of all children in grades 1–3 to schools on one side of town and grades 4–6 to the other side of town, effecting a racial balance. The city is bisected by a rail road line into a largely black southside and a white north. Mr. Allen's order was challenged in court and its status is still up in the air, more so now that the anti-bussing law chapter 342 of the laws of 1969 is on the books.

Mount Vernon, whose school population is reported to be 60 percent black, has five elementary schools and one junior high that are practically all-black. Under a voluntary open-enrollment program about 450 black youngsters are transferred to predominantly white schools.

Mrs. Mary Ellen Cooper, the only black school board member, sadly noted that "the atmosphere Dr. Allen's order created has touched everything in the community . . . There are some black people who still see integration as meaningful. But there are also black people who are so frustrated that they would rather just not be bothered."

If a scale of progress were to be sketched, the major urban school districts in New York would range from top to bottom. In light of the Education Department's rule of thumb that all schools in the district should contain approximately the same racial breakdown as the district as a whole, here's an approximation of the district-by-district standings, based on information from the State Education Department's Division of Intercultural Relations:

RACIALLY BALANCED NIAGARA FALLS

Elmira—Split into four quadrants by a river and a railroad, this Chemung County city of 40,000 had a particularly complex geographic problem to overcome in order to integrate under its 1968 "project equip," carried out without a state mandate. The district-wide student population is reported to be 6.4 percent black, and, through bussing, most of the schools approximate that racial breakdown.

White Plains—With black and Puerto Rican students making up 20.6 percent of the school district population, the schools in this Westchester County city of 50,000 have been considered "integrated" since a community plan was introduced in 1964.

PROGRESSIVE

Rochester—The site of some of the nation's most sophisticated experimental school integration programs over the years, including urban-suburban transfers and reverse open enrollment, Rochester has education department partisans holding their breaths. The school board last year narrowly defeated on a party line vote an integration plan that has been drawn up by a community group and by Superintendent Herman R. Goldberg, who on March 1 will leave Rochester to become U.S. Associate Commissioner for Elementary and Secondary Education. The composition of the board changed in the November elections and many observers believe that adoption of the proposed integration plan is imminent. Rochester's school population is about 38 percent black and Puerto Rican, according to state reports, but it has 13 schools that are more than half non-white. A "Big Six" city, Rochester has a population of 300,000.

MIDDLE

Utica—With a student population about 12 percent black, this Mohawk Valley City of 91,000 has only a handfull of schools where the races are mixed. Eight schools are virtually all-white, one predominantly black. A state bussing grant was taken away from the Utica school district this year because the board showed no "clear and unequivical commitment" to correcting racial imbalance.

SLOW

Yonkers—This Westchester County City of 204,370 on the edge of New York City, has a student population about 13 percent black, according to state figures. It is in the process of creating a citizens committee to come forward with a plan for better racial balance. Of 43 public schools, 22 fall into the non-integrated category—either substantially white or substantially black.

Ithaca—This Finger Lakes College Town of 26,000 has a tiny black population—only 4.8 percent of the pupils are non-white. But two downtown schools contain about three-fourths of the district's black pupils. Citizens have repected a proposal by the school superintendent for consolidating schools to combat racial isolation and to compensate for the dwindling downtown enrollments. But no new action has been taken.

Binghamton—The proportion of blacks in this Southern tier community of 64,000 is only 3.6 percent and most schools have only a few non-white pupils. The one exception, Columbus Elementary, is 30 percent non-white.

The school board is working on plans to turn Columbus into a "Community School" with model cities funds.

NO PROGRESS

Newburgh—This Hudson Valley City of 26,000 has a pupil population about 23 percent black, according to state statistics. Of 18 schools, two are more than 70 percent black. In fact, all but five schools vary more than 10 percent from the district-wide average. The subject of legal action, the Newburgh School System was about to receive an integration order from the State Education Commissioner when the "anti-busing" law was passed in 1969, denying the Commissioner's powers. Since then, Newburgh has withdrawn its request for state integration aid.

Mount Vernon—See above.

Albany—With a black student population of 32.7 percent Albany has made no formal efforts to balance its schools racially. A proposed new High School is supposed to end segregation in the secondary schools but construction has been halted because of money problems. Eighteen of the city's 24 schools have racial breakdowns that vary more than 10 percent from the district-wide average. Albany's population is 115,000.

Syracuse—Road construction has changed the racial character of neighborhoods in this Central New York crossroads city of 200,000. About 23 percent of the District's pupils are black, but half the schools vary more than 10 percent from desired district-wide ratio and one school is virtually all-black.

Buffalo—The second biggest city in the state with a population of 463,000 has a student population of 37.7 percent non-white. The elementary and secondary schools are heavily segregated. The Education Department considers Buffalo School to have more serious racial imbalance in the State.

New York City—An immense school system in which more than 57 percent of the students are black or Puerto Rican, New York City's Schools desegregation task is immense, and in some eyes, nearly hopeless. The recent school decentralization however, has divided the city into more than 30 small school districts, each of which has its own ethnic breakdown and its own racial balance goal.

The day of axe-handles at the schoolhouse door has passed in the U.S. but in New York State a more subtle block to school integration is still in force.

It is Chapter 342 of the laws of 1969, and in the eyes of State Education Commissioner Nyquist and his lieutenants, this so-called "antibussing" law is the single, most impassible block standing in the way of aggressive state action to receive school integration.

Convinced of its unconstitutionality, Education Department officials are quietly making plans to move fast and hard against school segregation as soon as their powers become unclouded.

So far, the courts are on their side.

Sponsored by former state senator, now congressman, Norman Lent, R.-Long Island, the "antibussing" law does more than ban transporting of pupils for purposes of racial balance. It bans the commissioner, or any non-elected school board from assigning pupils or reorganizing school attendance zones in order to achieve racial balance. In fact Buffalo's school superintendent testified in court recently that he believes the law constrains him from constructing new "middle schools," since they were proposed to facilitate integration.

Declared unconstitutional in September by a three judge federal court in Buffalo, the case will be carried to the U.S. Supreme Court Assistant State Attorney General Jean Coon said she has filed papers appealing the Federal Court's ruling. No decision could be expected from the high court for at least six months, she said.

The law was approved by the legislature partly in response to community reactions against integration orders issued by former commissioner Allen.

In an interview with Gannett News Service Mr. Nyquist said that Dr. Allen had an additional power available to him that was never put in use. Under Section 310 of the Education Law, the education commissioner is authorized not only to hear complaints and make rulings about them—the procedure used in all the cases involving integration orders so far—but also to institute proceedings against a school district himself.

Thus if the anti-bussing law is declared unconstitutional, Mr. Nyquist will be able to order recalcitrant school districts to "show cause" why it hasn't integrated, without waiting for local citizens to file complaints.

Would he use this power? Yes. "I'd do what the federal government does, take affirmative action on my own," said Mr. Nyquist. "We know where the problems are. We know where to start."

If the anti-bussing law is allowed by the courts to stand, the Regents can be expected to pressure the legislature for its repeal or perhaps to urge new legislative action to restore some of the commissioner's powers. Because, as the Regents said in their January, 1968 integration policy statement:

"Where the solution to the problem is beyond the capability of the local school districts, or where a district fails or refuses to act, then the responsibility for corrective action is clearly and inescapably that of the state."

"Voluntary efforts just won't get us there in time," said Mr. Nyquist. "Better put your money on 'persuasion'."

Mr. Nyquist, who said he has made school integration his top priority, set himself this goal for the 70's: I would hope in this decade, not to complete racial integration—that would be too idealistic—but to see accelerated movement that shows we're on our way. Substantial movement—more than we've seen in the past decade."

Not all the integration problems derive from the "anti-bussing" law:

The Education Department itself can be criticized for the spotty nature of its pressures. The seven districts for which integration orders were issued together make up less than the population of New York City, which was never ordered to integrate.

Commissioner Nyquist said "there has been some progress in racial integration. Certainly the issues have been illuminated. Great accomplishments have been made in racial understanding, employment practices and housing. There's a real effort being made on the part of employers to make up for the injustices of the past . . . We have done all I think we could possibly do in a very sensitive area.

"You know the old American anomaly: If we hadn't already done so much there wouldn't still be so much to do."

INTERGROUP EDUCATION PLAN

FOR THE

NIAGARA FALLS SCHOOL SYSTEM

A PROPOSAL FOR INTERGROUP EDUCATION

Whether you call it Intergroup Education, Racial Balance,Quality Integrated Education, or Equal Educational Opportunities, intergroup education is an aim of the Niagara Falls School System.

Intergroup education has been the concern of many people over the past years: citizens, parents, teachers and community groups - all have devoted numerous hours to discussion, planning, and implementing such a program.

There is no easy path to this goal, but there are considered educational, sociological, psychological, and economic benefits that children derive from intergroup education.

Both black and white children do grow educationally. Children do learn to get along with one another regardless of race, creed, or color. They do carry over this human relations learning and group dynamics into their adult vocations. Such development sociologically and psychologically has personal and economic benefits. These are the real purposes of intergroup education.

The Special Board Committee on Integration has been meeting since 17 September 1969. During the process of studying all proposals and becoming thoroughly familiar with them, the committee met bi-weekly from September to December 1969. Since 6 January 1970, the committee has met each Tuesday. During the period, all plans referred to the committee were thoroughly discussed, good and bad features noted, and improvements suggested.

Minutes of the meetings and various items of information have been mailed to the members of the Citizens Advisory Committee to keep them current with integration activities. Monthly progress reports have been made to the Board of Education. As another method of informing the community, all meetings have been open to the press and the Gazette has reported each week's activities in some depth.

The Special Board Committee met with the Steering Committee of the Citizens Advisory Committee on 12 December 1969 and on 20 February 1970 to discuss integration plans and to share mutual concerns. In this respect, the Steering Committee of the Citizens Advisory Committee has been extremely helpful in criticizing, proposing and improving integration plans, public relations methods, and implementation.

On 8 January 1970 the Board Committee met with the Integration Committee of Niagara Coalition to discuss school-community relations and information regarding integration. The committee has met with Dr. Morton Sobel of the Bureau of occasions. Various members of the committee have met with Darl Hulit of USOE, Title IV of the Civil Rights Act, and with integration representatives from the Buffalo, New York; Rochester, New York; White Plains, New York; Rochelle, New York; and San Matteo, California school systems to discuss aspects of Inter-group Education. The Niagara Falls Teachers Association organized and presented a public forum "Integration: Its Effects on the Child in the Classroom" at LaSalle Senior High School on 13 January 1970, with integration specialists from the Bureau of Intercultural Relations, Project Innovation, and New York State Teacher's Association. On 13 February 1970, representatives of the Board Committee met with all elementary school principals to present and discuss integration progress to date. A similar meeting was held with all secondary school principals, vice-principals and supervisors on 5 March 1970. The committee will also meet with Dr. Sobel on March 24 and there will be an invitational conference on "Staff Preparation for a Multicultural Setting" that committee representatives will attend at the State University College at Brockport on April 10 and 11.

In conclusion, the present Board Committee believes that it owes a great deal to a very conscientious, diligent Citizens Advisory Committee, its steering committee, transportation, lunch and data processing committees, who shared the knowledge that they had gathered, discussed and collated by working together and with community groups during the preceeding year. The proposal being presented tonight derives in many ways from the philosophy and critiques of the Citizens Committee, its precedent Turnipseed Committee, and the many individual citizens of the community who offered proposals, suggestions, criticisms, and comments over the past years. Niagara Falls is, indeed, fortunate to have such help, interest and talent.

PROPOSED GUIDELINES
OF
INTERGROUP EDUCATION
1970

Philosophy

We believe that all of the Public Schools in Niagara Falls belong to all of the citizens of Niagara Falls and that all of the facilities be used for the best education for all the children of Niagara Falls, regardless of race, creed or residence.

We believe the Board of Education should continue to take strong leadership in the implementation of this philosophy.

We believe there should be a planned and constructive Public Information Program on Intergroup Education through the use of mass media so that the citizens of Niagara Falls have access to and communication with the Board of Education regarding Intergroup Education.

We believe the schools are for the use of all pupils for the best education possible and that each school should comprise a cross section of the school district community, room by room.

We believe that our curriculum must include understandings and contributions of every ethnic group.

Guidelines

In accordance with this philosophy, the following guidelines are proposed for the implementation of intergroup education in the Niagara Falls Schools:

- Every effort should be made to see that a child is not moved involuntarily more than once to achieve intergroup education during his elementary school years.

- If, during the school year, migration of students to any one school should result in over-crowding of that school, the latest arrivals should be assigned to other schools rather than reassign pupils already enrolled.

- So far as possible, exceptional education classes should ramain at their present schools and be integrated.

- Lunch and playground programs should be integrated.
- Racial balance should be achieved at the opening of school each year on the basis of the annual enrollment projection. If any school becomes unbalanced during the school year, correction will be made the following September.
- All children should have equal time and instruction (gym, swim, library, and special services) even though equal facilities may not be available: that length of instruction and type of instruction are more important to a child's learning than facilities.

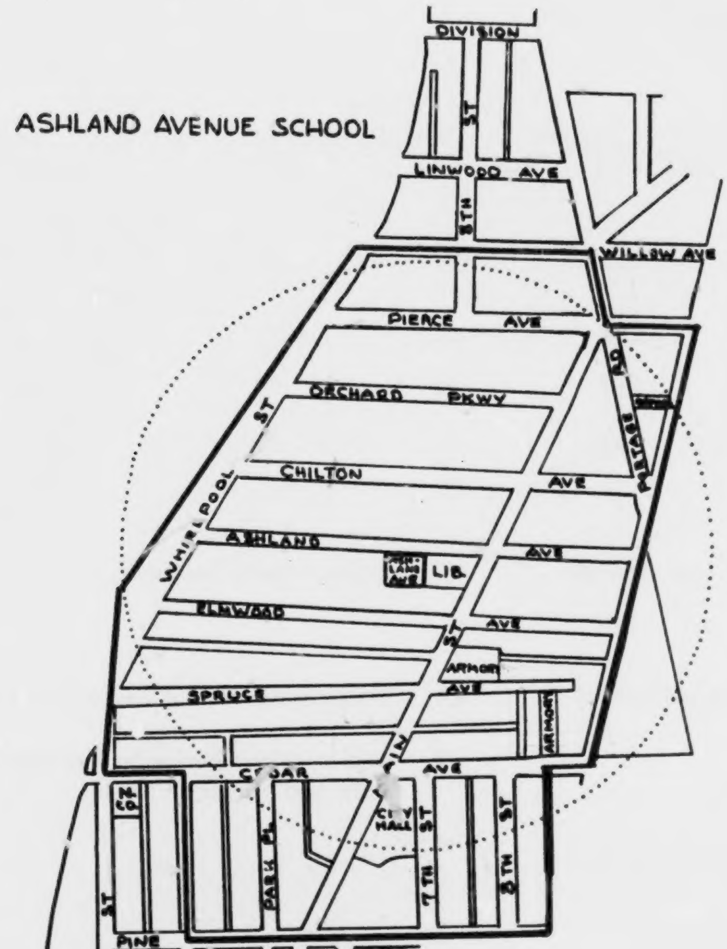
Method

1. At the 20-week period, pupil population projections would be made by each school for the next school year.
2. On the basis of these projections, intergroup education plans would be determined for any school that does not meet the standards for racial balance as set by the Niagara Falls School System: The racial percentage of the total school population with a plus and minus variance of 10.
3. The schools to be involved would be determined by:
    a) First, a school that is not integrated
    b) Next, the school that has the lowest percentage of integration
    c) School capacity, facilities and projected enrollment
    d) Travel time
4. If the school is not integrated:
    a) A block-by-block population map of school would be made using the official Niagara Falls city engineer's map dated 9/26/69.
    b) With the midpoint of the front property line of the school as the center, a circle would be drawn to encompass the plus or minus 10% factor of the total number of pupils that the school can contain.
    c) The circle would be squared to conform to city blocks.
    d) Children within the perimeter would attend the school; children outside the perimeter would be assigned to another school to achieve intergroup education.

ASHLAND AVENUE SCHOOL:

PRESENT ENROLLMENT Grades K-5		PUPIL REASSIGNMENT Out	PUPIL REASSIGNMENT In	PROPOSED ENROLLMENT Grades 1-6
White	200	37	2	165
Black	19	8	24	35
Total	219	45	26	200
% Black	9%			17%

To:	10th Street School	45	pupils outside perimeter
From:	10th Street School	24	pupils from south of East Falls Street
		2	pupils west of perimeter between East Falls and Niagara Streets



ASHLAND AVENUE SCHOOL

DIVISION
ST
LINWOOD AVE
8TH
WILLOW AVE
PIERCE AVE
ORCHARD PKWY
CHILTON AVE
ASHLAND AVE
WHIRLPOOL ST
PORTAGE RD
LIB.
ELMWOOD AVE
MAIN ST
ARMORY
SPRUCE AVE
ARMORY
CEDAR AVE
N. CO.
CITY HALL
PARK PL
7TH ST
8TH ST
3RD ST
PINE
4TH ST
6TH ST
POST OFFICE
WALNUT AVE
WALNUT AVE

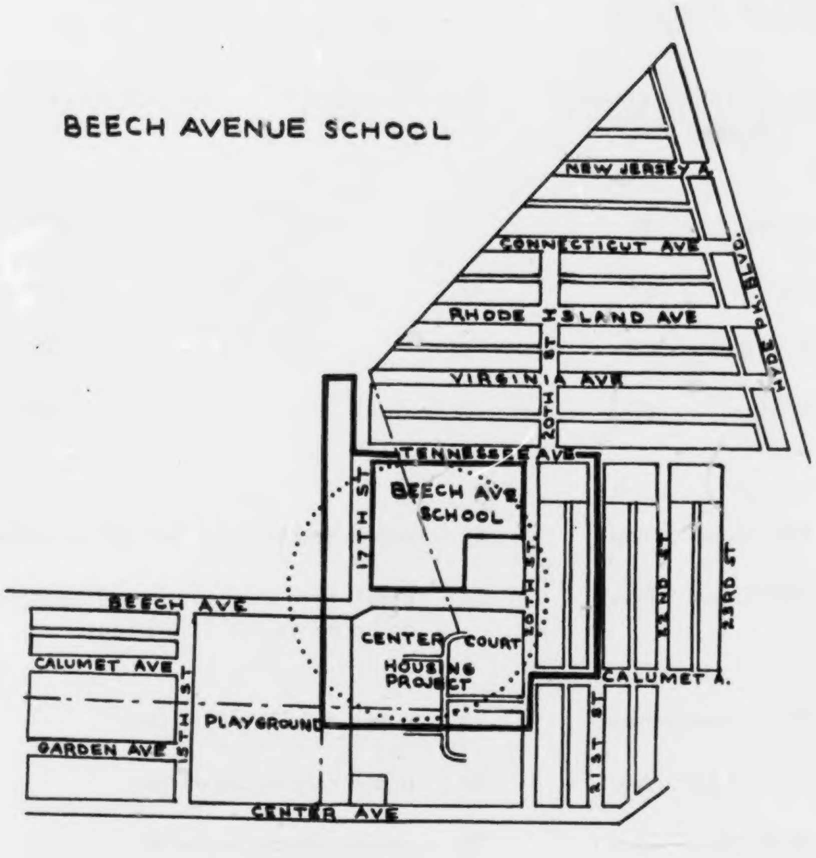
BEECH AVENUE SCHOOL:

	PRESENT ENROLLMENT Grades K-5	PUPIL REASSIGNMENT Out	In	PROPOSED ENROLLMENT Grades 1-6
White	120		167	287
Black	249	141*	3	111
Total	369	141	170	398
% Black	67%			28%

To:	79th Street School	86	pupils east or north outside perimeter
	99th Street School	51	pupils from southern part of Center Court and area west of 15th Street
From:	79th Street School	96	pupils outside perimeter
	95th Street School	43	pupils outside perimeter
	22nd Street School	28	pupils outside perimeter

* 4 pupils out of district

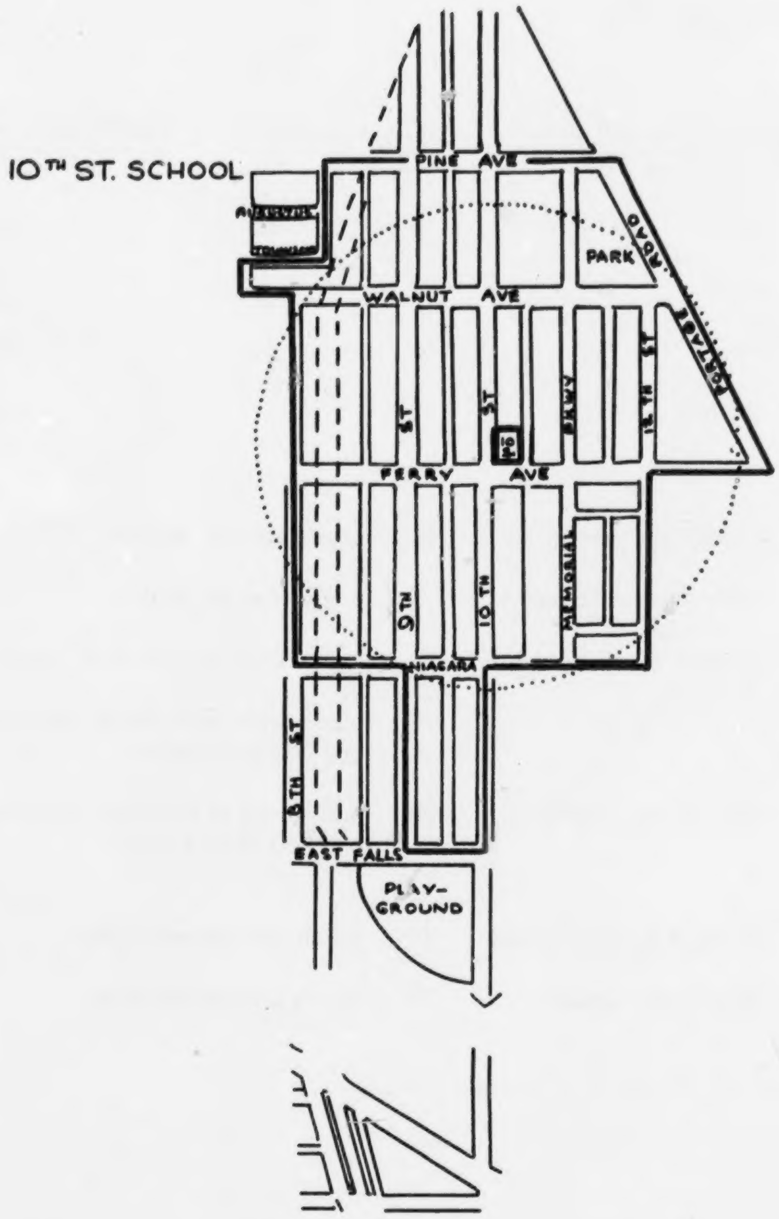
BEECH AVENUE SCHOOL


NEW JERSEY A.
CONNECTICUT AVE
RHODE ISLAND AVE
VIRGINIA AVE
HYDE PK. BLVD.
20TH ST
TENNESSEE AVE
BEECH AVE SCHOOL
17TH ST
BEECH AVE
CENTER COURT
HOUSING PROJECT
19TH ST
22ND ST
23RD ST
CALUMET A.
CALUMET AVE
GARDEN AVE
15TH ST
PLAYGROUND
21ST ST
CENTER AVE

10TH STREET SCHOOL:

PRESENT ENROLLMENT Grades K-5		PUPIL REASSIGNMENT Out	In	PROPOSED ENROLLMENT Grades 1-6
White	114	9	55	160
Black	99	67	8	40
Total	213	76	63	200
% Black	46%			20%

To:	17th Street School	17	pupils out-of-district
	Ferry Avenue School	5	pupils out-of-district
	Ashland Avenue School	24	pupils south of East Falls Street
		2	pupils west of perimeter between East Falls and Niagara Streets
	24th Street School	28	pupils east of perimeter between Niagara and East Falls Streets
From:	Ashland Avenue School	45	pupils outside perimeter
	24th Street School	18	pupils outside perimeter


10TH ST. SCHOOL
PINE AVE
PARK
PORTAGE ROAD
WALNUT AVE
ST
ST
BRWY
12TH ST
FERRY AVE
9TH
10TH
MEMORIAL
NIAGARA
8TH ST
EAST FALLS
PLAY-GROUND

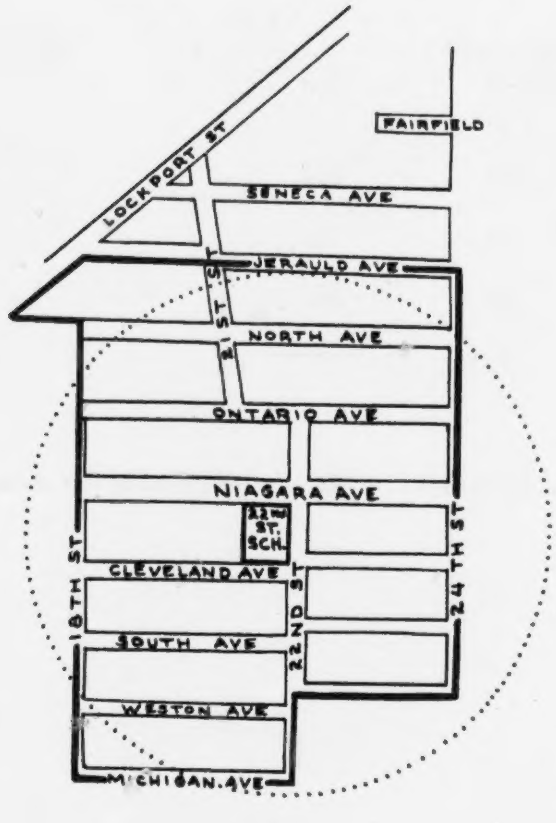
692

22ND STREET SCHOOL:

	PRESENT ENROLLMENT Grades K-5	PUPIL REASSIGNMENT Out	In	PROPOSED ENROLLMENT Grades 1-6
White	202	25		177
Black	24	3		21
Total	226	28		198
% Black	10%			10%

To: Beech Avenue School 28 pupils outside the perimeter

22ND ST. SCHOOL


LOCKPORT ST
FAIRFIELD
SENECA AVE
JERAULD AVE
21ST ST
NORTH AVE
ONTARIO AVE
NIAGARA AVE
22ND ST. SCH.
CLEVELAND AVE
18TH ST
22ND ST
24TH ST
SOUTH AVE
WESTON AVE
MICHIGAN AVE

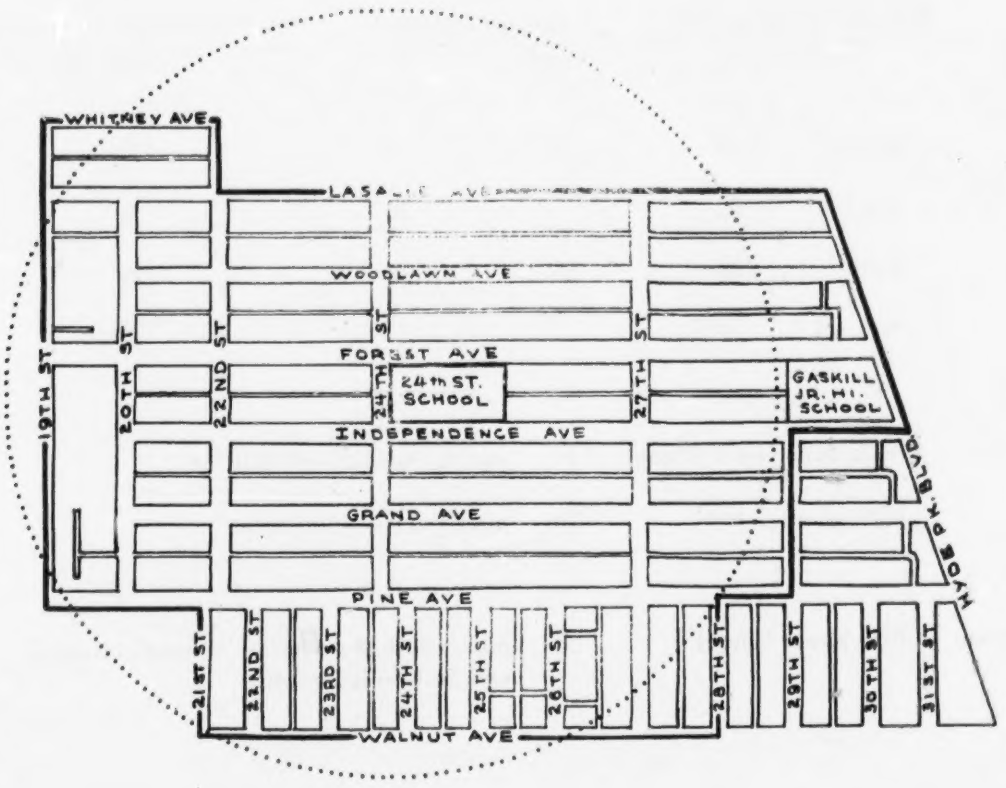
24TH STREET SCHOOL:

	PRESENT ENROLLMENT Grades K-5	PUPIL REASSIGNMENT Out	PUPIL REASSIGNMENT In	PROPOSED ENROLLMENT Grades 1-6
White	262	39	4	227
Black	22	—	30*	52
Total	284	39	34	279
% Black	7%			19%

To:	Hyde Park Street School	21	pupils from out-of-district
	10th Street School	18	pupils outside perimeter
From:	10th Street School	28	pupils east of perimeter between Niagara and East Falls Streets

* 6 pupils out-of-district

24TH ST SCHOOL


WHITNEY AVE
LASALLE AVE
WOODLAWN AVE
FOREST AVE
INDEPENDENCE AVE
GRAND AVE
PINE AVE
WALNUT AVE
19TH ST
20TH ST
22ND ST
24TH ST
27TH ST
24th ST. SCHOOL
GASKILL JR. HI. SCHOOL
HYDE PK. BLVD.
21ST ST
22ND ST
23RD ST
24TH ST
25TH ST
26TH ST
28TH ST
29TH ST
30TH ST
31ST ST

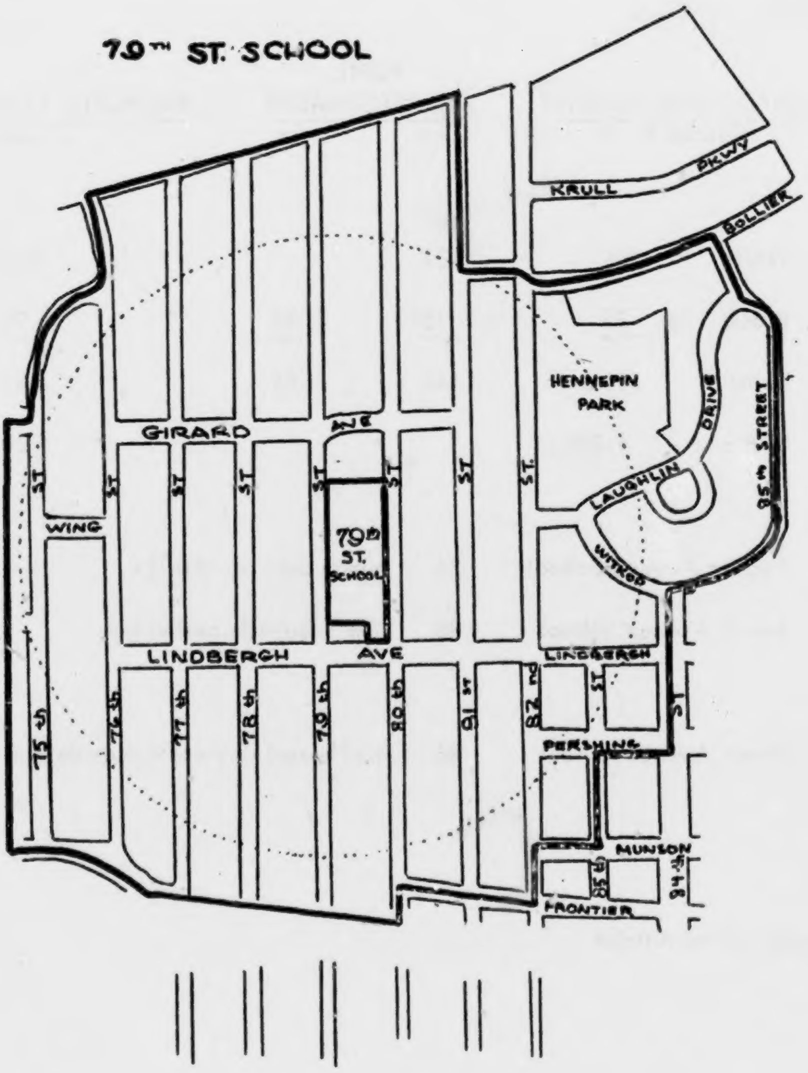
79TH STREET SCHOOL:

	PRESENT ENROLLMENT	PUPIL REASSIGNMENT		PROPOSED ENROLLMENT
	Grades K-5	Out	In	Grades 1-6
White	486	131		355
Black	25	15*	86	96
Total	511	141	86	451
% Black	4.8%			21%

To:	Pacific Avenue School	35	pupils out-of-district
	Beech Avenue School	96	pupils outside perimeter
From:	Beech Avenue School	86	pupils east and north outside perimeter

* 15 pupils out of district

79TH ST. SCHOOL

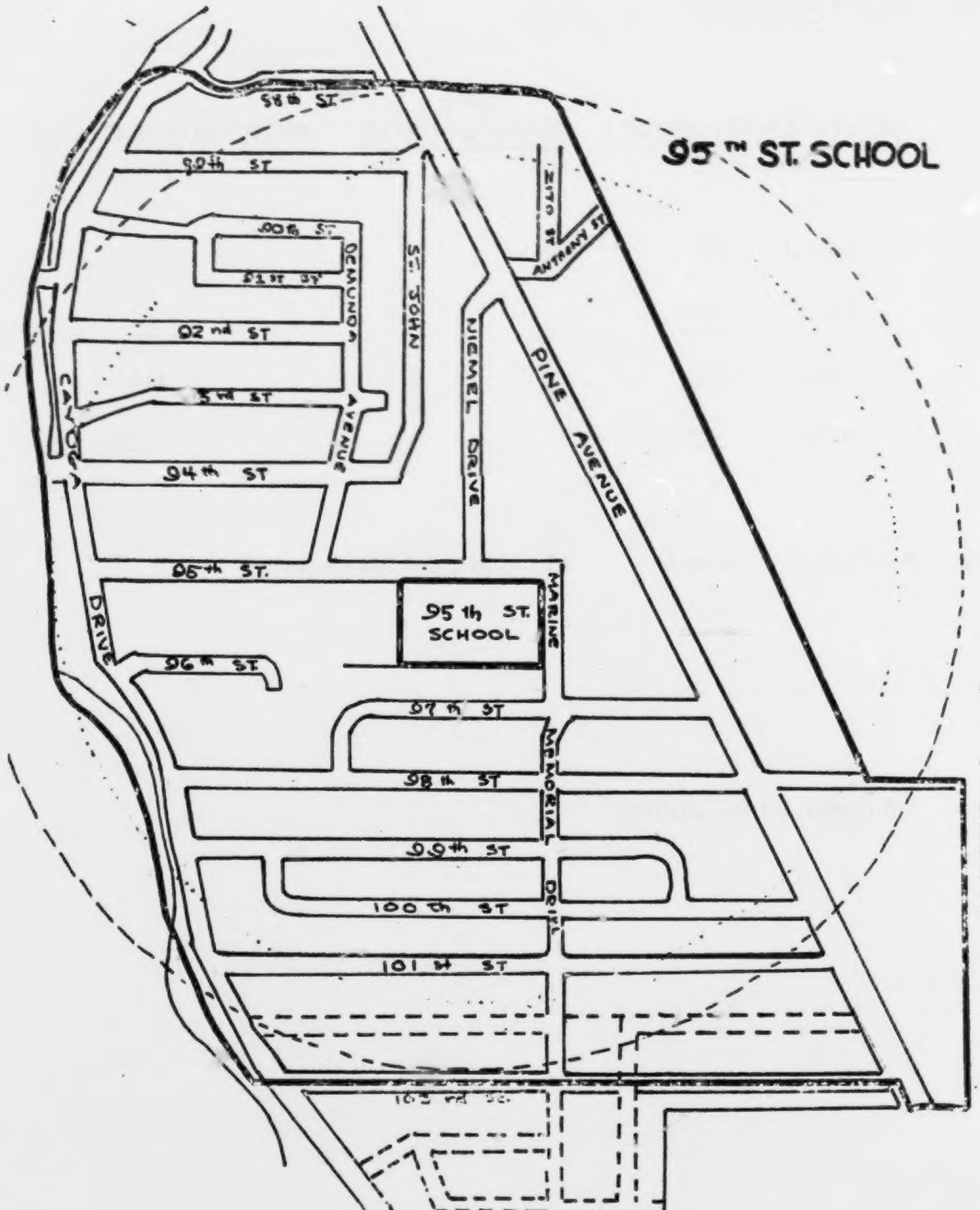

KRULL
PKWY
BOLLIER
HENNEPIN PARK
DRIVE
85th STREET
LAUGHLIN
WITKOP
GIRARD
AVE
WING
ST
ST
ST
ST
ST
ST
ST
ST
79th ST. SCHOOL
LINDBERGH
AVE
LINDBERGH
ST
ST
75th
76th
77th
78th
79th
80th
81st
82nd
PERSHING
MUNSON
83rd
84th
FRONTIER

95TH STREET SCHOOL:

PRESENT ENROLLMENT Grades K-5		PUPIL REASSIGNMENT Out	In	PROPOSED ENROLLMENT Grades 1-6
White	395	43		352
Black	55	- -	6 *	61
Total	450	43	6	413
% Black	12%			15%

To: Beech Avenue School 43 pupils outside perimeter

* 6 pupils out-of-district


95TH ST. SCHOOL

89th ST
90th ST
90th ST
91st ST
DEMUNDA AVENUE
ST. JOHN
OTIS ST
ANTHONY ST
92nd ST
93rd ST
CAYUGA DRIVE
NIEMEL DRIVE
PINE AVENUE
94th ST
95th ST.
95th ST. SCHOOL
96th ST.
97th ST
98th ST
99th ST
100th ST
101st ST
102nd ST
MARINE MEMORIAL DRIVE

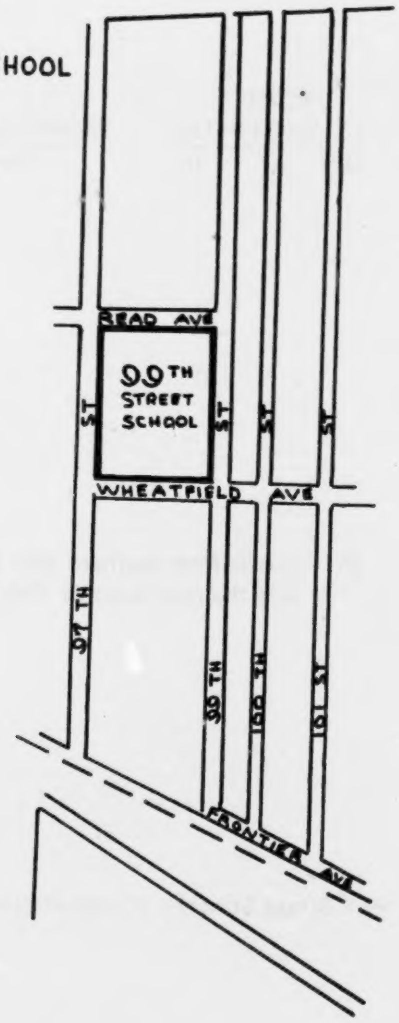
99TH STREET SCHOOL:

	PRESENT ENROLLMENT Grades K-5	PUPIL REASSIGNMENT		PROPOSED ENROLLMENT Grades 1-6
		Out	In	
White	191			191
Black	___		51	51
Total	191		51	242
% Black	0%			21%

From:	Beech Avenue School	51	pupils from southern part of Center Court and the area west of 15th Street

* No perimeter on map since 99th Street School's a receiving school

99TH ST SCHOOL


READ AVE
99TH STREET SCHOOL
ST
ST
ST
ST
WHEATFIELD AVE
97TH
98TH
100TH
101 ST
FRONTIER AVE

[From the Niagara Falls Gazette, Mar. 18, 1971]

SCHOOLS LAGGING ON INTEGRATION

Washington—When two former U.S. Commissioners of Education were asked by a Senate subcommittee Wednesday if there are any schools in the country that are really integrated—not just desegregated—they could think of only two, and one was White Plains, N.Y.

James E. Allen Jr., former New York State education commissioner, and Harold Howe II—both former federal education commissioners—appeared before the Senate Education subcommittee to testify on bills providing extra financial help for school districts that are trying to desegregate.

Both said they feel a Nixon administration bill is better than nothing, but that another bill—sponsored by Sens. Walter Mondale, D-Minn., and Jacob K. Javits, R-N.Y.—is better because it is tougher and leaves less chance schools could misuse the money they get.

Then Mondale asked Howe and Allen if there were any school they know that have been able to do more than end segregation of the races throughout their system.

Howe named Berkeley, Calif. Allen thought a moment, then added White Plains. "They have done a good job of this," he said. "There aren't very many."

Neither ex-commissioner could at once name any other districts they would put in the same category.

"The nation is tragically short of the techniques, the understandings needed to make integration work," Mondale observed. He said federal programs should be designed to get started "a national effort . . . to achieve inegration in all kinds of situations."

"There are many small actions," Howe added. "There are gestures . . . like admitting some kids from the cities into suburban schools."

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Branch Office: 1120 Connecticut Ave., NW, Washington, D.C. 20036 · (202) 833-1240

Statement on behalf of the

National School Boards Association

by

Mr. August W. Steinhilber
Director of Federal & Congressional Relations
National School Boards Association

on

S. 195
The Emergency School Aid Act of 1971

and

S. 683
The Quality Integregation Act of 1971

before the

Subcommittee on Education
Committee on Labor and Public Welfare

United States Senate

Wednesday, March 24, 1971

-2704

The National School Boards Association, currently marking its 30th year of service, is a federation composed of (a) the membership of each of the fifty state school boards association; (b) the direct affiliation of local school boards which are members of state associations; and (c) the affiliation of groups which presently include community college board of trustees, attorneys for school boards, and a special group of large city boards. In total, the association represents approximately 84,000 school board members or trustees, who in turn, are responsible for the education of over 95 percent of the nation's public school children. It is these citizen leaders who are the link between Federal education programs and public education.

The National School Boards Association believes that every public school child should have an equal educational opportunity. Accordingly, we support the desegregation of public schools as a means for accomplishing that end. In this connection, we have an ongoing resolution which, as amended for consideration by our Delegate Assembly this April, reads as follows:

> The National School Boards Association urges the Congress and the President to recognize that school districts may be faced with large costs in their efforts to achieve court-ordered or voluntary desegregation or integration plans. Often these costs cannot be borne by the local school districts as is the case where a need exists for new facilities. To assure full access to educational opportunities for all children regardless of race, ethnic background or economic status, we urge the federal government to provide financial assistance for these added costs. However, funding for this program should be in addition to -- not in lieu of -- amounts appropriated for other Federal education programs in the immediate previous Fiscal Year.

The Subcommittee has two bills before it, i.e., S. 195 -- The Emergency School Aid Act of 1971 and S. 683 -- The Quality Integregation Act of 1971. The first is primarily a formula grant program with a 20 percent residuum for the Commissioner which he may spend at his discretion. The second uses a similar local entitlement format. However, the approach of S. 683 differs to the extent that most - or a maximum of 61% -- of the expenditures would be made by the Commissioner of Education through a whole series of discretionary programs. Since the National School Boards Association supports public school desegregation and the use of formula grants, we are focusing our discussion on the discretionary programs contained in S. 683. However, we will also touch upon the addition of provisions which would assure that other Office of Education programs will be funded at current levels and that money will be made available for school construction, neither bill contains language on either subject.

The discretionary programs and the percentage of the desegregation monies which may be alloted to accomplish their purposes are as follows:

1. 10% of the funds for the Commissioner to allocate as he sees fit among the various activities authorized in the Act.
2. 10% for inter-district cooperative programs i.e., bussing.
3. Not more than 25% of the amount appropriated for the following programs but not less than the amount specified for each particular program:
   (a) 10% Educational Parks
   (b) 5% Education T.V.
   (c) 3% Attorney Fees.
4. 10 to 15% for pilot projects.
5. 6% Community Action Groups.
6. 39-51% school districts on the basis of the number of minority groups children enrolled therein.
7. [illegible]% Evaluation.

Mr. Chairman, except for a few comments which appear later on in our statement, we do not wish to pre-judge the merits of the aforementioned programs at this time. However, we do take issue with both the extent of the Commissioner's discretion

(61% or nearly $1 billion) and the number -- no less than seven -- separate categorical programs to which he may apply his residuum.

Discretion

Over the years, school boards have continuously reiterated their strong preference for formula grants over projects grants. The basic reason is that the certainty of this approach better serves their program planning and budget accountability. That is, when they consider plans for the on coming year, they know by applying a formula how much federal assistance they can expect to receive. On the other hand, since project grants are discretionary, board members are understandably hesitant to commit funds or resources for programs which are contingent on federal assistance when the receipt of such funds is on an all or nothing basis -- or at least may fall short of their expectations.

Apart from the uncertainty of financing, the project grant approach leaves greater uncertainties in the minds of school boards because they don't know whether their project will be accepted at all. This is true, even where they seek the refunding of previously approved programs. The reason is, that all elements must be negotiated with the Federal administration whose concepts or judgments may shift from year to year or from district to district. On the other hand, under formula grant projects, board members must relate to the more universal and the less intangible standards of Federal guidelines. Due to the above mentioned uncertainties of discretionary funding, many school boards design their Federally supported projects completely apart from the general operation of their schools. In this way, they can turn the programs on or off depending on federal finances. As a result, many of these projects tend to take on a temporary character. Since over 60% of the funds under S. 381 are for project grants, many districts will be applying for those programs, as well as formula money. Of those who do, we expect that many will turn to an isolated program design. In the area of school desegregation, it would appear particularly preferable to encourage board members to inextricably weave the purpose of the federal legislation into their regular operation. For this reason alone Congress is encouraged to use the formula grant approach.

School boards also appreciate the administrative ease of a program which merely requires them to count the number of servicable students and to multiply that number by some factor. While details, of course, must be reported, under formula grant programs, school boards are not faced with the grim chore of renegotiating their projects each year -- or whenever they expire.

There are two further reasons why we believe the Subcommittee should reconsider the merits of a project grant approach. First, we fear that many school districts will receive desegregation money on the basis of grantsmanship rather than need. Indeed, we can expect that the more affluent a district is, the more sophisticated its federal liaison network. We believe that the Federal program should be designed to reach poor districts where the educational needs of minority group students are the greatest. Secondly, we also fear that $1 billion discretionary program will be a broad invitation for political chicanery and undue pressures on the federal Administration. While a formula grant may not concentrate on the poorest districts, it will at least assure them of reasonable participation.

At the same time, board members do recognize the need for Federal administrators to maintain a residuum for the purposes of experimentation, emergency funding, or otherwise serving the needs of special situation. Similarly, Congress has also recognized the desirability to balance the certainty and simplicity of formula grants with the advantages of discretionary programs.

From the experience of over a decade of operation, the evolution of education legislation suggests that all parties have come to agree that the most workable balance is at 85% for formula grant and 15% for projects. Accordingly, in light of the foregoing, we believe that if the desegregation proposal is to contain more than

15% discretionary money -- indeed as much as 61% -- the burden should be on the sponsors of such legislation to justify their amount. To date, to our knowledge, there has been no such justification.

As a concluding note, we have become aware of evaluation reports such as the one prepared by the American Friends Services Committee et. al. and a recent GAO publication which cites cases of misuse of school desegregation funds by local school districts. While we certainly do not defend the improper expenditure of funds by local school boards, it must be realized that some boards, particularly in the area of school desegregation, are only going to go as far as the law requires. Therefore, the legislation should specifically detail the purposes for which those funds can be expended -- rather than delegating that responsibility to the administration. We repeat, there is no reason why specific criteria cannot be included in legislation instead of being deferred to the Office of Education to develop rules and regulations to suit its own purposes. We also feel that such provisions will help guard against political chicanery.

Number of Programs

Under S. 683, public school systems would be eligible for six categorical programs in addition to the basic grant. In speaking of categorical aid, many school boards complain that while the particular needs of their district could be served through increased funding of one project, categorization frequently requires them to seek funding of a secondary project. For example, if a school district cannot receive funding for Educational T.V., or as much as it would like, it would be strongly induced to apply for educational parks, which may not be as critical to its particular situation, than to receive no funding at all. We do not believe that this type of result produces the highest marginal return dollars spent either within the district or en toto.

Currently school boards and their superintendents are futilly attempting to stay abreast of some 200 education programs administered through over 20 agencies.

As the number of federal programs grow, the chances that districts will know of any particular program, and then, given limited resources in terms of time and finances, be able to apply for an administer programs will decrease.

Furthermore, as noted earlier, school boards attempt to hedge against the non or limited approval of federally financed programs by disguising their programs in a manner in which they can be plugged in or out without disturbing their "normal" operations. That is, federal programs are approached as temporary supplements to public education rather than as a change in its character.

Similarly, to avoid the problems of disappointed financing, federal programs are also designed in a manner which isolates them one from another. For example, would a district be willing to integregate with its desegregation plan (or, indeed, its normal operations) an educational park, which, to be effective requires the establishment of educational T.V. program and inter-district bussing arrangements? Probably no since the funding and refunding of that program would then be contingent on the satisfactory funding of two other programs.

Therefore, from the standpoint of the local school systems, an approach which splinters one program into seven serves to further complicate their paperwork and total program design, as well as increase administrative overhead. At the same time, narrow categorization may not produce as high an educational return per dollar as a more adaptable or general program. Accordingly, we feel that federal programs in education should be consolidated, not further categorized as this bill would do.

At this point, we will examine two of these categorical programs, i.e., attorney's fees and inter area bussing, as well as provision for parental veto power of applications.

Attorney's Fees

S. 683 provides that 3% of the funds are to be used to compensate attorneys who successfully bring an action against a school district for failure to comply with any provisions of the desegregation bill and Title I of the Elementary and Secondary Education Act, among others.

We would expect that this provision will invite many suits against school boards -- both justified and not. Frequently, such suits reach the Appellate Court level -- and the Supreme Court -- with subsequent remands. The expense of defending these actions can be enormous. However, notwithstanding such costs where a school district believes that it is complying with the requirements of the law, it will prefer to defend its action in court, rather than accept the more costly and administratively difficult alternative of conforming to the demands of the complainants.

The National School Boards Association believes that if plaintiffs can be reimbursed for legal fees, defending school districts should be given the same privilege -- especially since the districts court fees come from taxpayer's revenue which normally go toward the education of children. Defendant school districts should be entitled to an automatic reimbursement where the court grants their motion for a summary judgment or motion to dismiss after the complainant has presented its case-in-chief (subject to affirmance on appeal). We believe that this is equitable since the judge finds that, cast in a light most favorable to the complainant, the facts as he has presented them, cannot sustain the allegations stated in the complaint.

With respect to other cases, both the question of whether attorneys fees are warranted, and the amount of such fees, should be determined by the court which rules on the case, subject of course to appeal in those instances wherein judges have abused their discretionary authority. We believe a court is best equipped to make this decision since it has actually heard the case and ruled on the issues. It can decide if certain allegations had any merit and guard against barratry. On the other hand, how can a Washington Office hundreds of miles away make these intelligent rulings? Furthermore, courts have had experience ruling on attorneys fees -- one need only look to the accounting necessary in the administration of an estate as ample evidence of the court's expertise.

We are puzzled as to why attorney's fee incurred in proving violations of Title I of ESEA are included within this bill as a reimbursable item. The legislative purpose of that Act is to provide funding for supplemental services to disadvantaged children -- not to provide for minority group desegregation. If indeed, it is desirable to reimburse attorney's fees under Title I, such provision should be sought by an amendment to that Act, not through unrelated legislation. In this connection, we note that the number of suits demanding that Title I funds be diverted to welfare support services such as clothing, food, and health programs have sharply increased. An amendment authorizing the reimbursement of attorney's fees will undoubtedly encourage even more suits. Therefore, we feel that school boards and the public should be entitled to reimbursements for Title I actions, when justified.

Standard Metropolitan Area Arrangements

Section 5(a) provides that the Commissioner shall spend 10% of the desegregation money for bussing arrangements between the cities (which are predominately black) and the outlying suburbs (which are predominately white). Considering that many whites flee to the suburbs to avoid an expanding inner-city black population, an immediate question brought to mind is why would the suburbs enter into such an arrangement? What is in it for them? To the extent that suburbs could be expected to accept such arrangements only for a quid pro quo from the inner-city, this provision may, in effect, turn out to work cruel hoax. During the hearings several persons suggested that the first priority on any grant should be inter-district arrangements. This would even further make the cities captive of the suburbs. In the competition for funds one suburb with a 20% black population could enter into an integration plan with an ajoining suburb with a 20% black population and receive top priority while the city would have to beg for help. This is truly a cruel hoax.

Parental Veto of Applications

Section 9 of S. 683 provides that applications for assistance are subject to the approval of a committee composed of parents whose children would be participating in the program.

This provision could dissuade school boards from seeking Federal desegregation funds. Many board members would consider this procedure an abandonment of their responsibility under state law to set school policy. Additionally, to what extent would a school board be willing to weave its desegregation plan into the ongoing operation of its schools where to do so might, in effect, give the parental committee a veto power as to its policy decisions on regular programs which might be affected or connected with the desegregation plans.

Section 9 protects minority group children from the bad faith action of school boards by requiring open consultation with the parents and teachers in the development of applications. This we support. In fact, a school system is indeed derelict in its duty if it does not involve parents on any important operation of the schools. If further safeguards are required, they can be provided without undercutting the function of the school board. For example, hearing procedure can be included should a parental council object to the school boards plan.

Regardless of which bill the Congress finally enacts, we urge the inclusion of language providing for the maintenance of expenditures for other Office of Education programs and for school construction.

Maintenance of Expenditure Level for Other Office of Education Programs

The President's budget request for Fiscal Year 1972 suggests that the Administration is seeking to hold back increments for programs which are merely inflationary set-offs so that services can be maintained at last year's level, and, in some cases, even to reduce other programs from last year's dollar level. At the same time, it seeks to go forward with funding this program with $1 1/2 billion of new money. In so doing, the education community believes that the Administration has made school desegregation a top priority item, perhaps at the expense of other programs. In light of the Administration's withholding of expenditures for Office of Education programs last year, it is believed that it may order a similar action this year in order to channel funds into the desegregation program -- should it not be fully funded through the Appropriation process. In this event, regardless of whether the courts ultimately find such action illegal, the delays in obtaining a favorable ruling would severely damage the operation of many worthwhile federally supported programs. In order to protect these programs, -- and Congress'own priorities -- we urge that the final bill include a provision that monies for the desegregation program should not be expended until the total of existing Office of Education programs are funded at the level of the previous Fiscal Year or higher.

Federal laws often include maintenance provisions for state and local governments. We believe such a maintenance of effort provision should be applied in this law to the Federal government.

Construction

Both bills list the general activities for which expenditures may be made. Although they permit "the repair or minor remodeling of existing school facilities", there is no provision for the construction of new buildings. In the past few years efforts to achieve desegregation have resulted in the closing of many substandard schools. Frequently individual school districts have had to close several of their facilities. As a result, overcrowding has occurred in these districts and they have been left with a whole complex of educational and logistical problems. Since most cases of school closings have been initiated by court order, state and local treasuries have not been prepared to alleviate these problems. To make matters worse for these districts, as well as those which have voluntarily closed their schools, the tight money market has made school construction bonds unsaleable.

To some extent, the bills reach the problem of overcrowding because they provide for the minor remodeling of closed schools. Certainly, many of the closed facilities can be made educationally sound by minor remodeling. However, we seriously doubt whether such minor remodeling can restore a delapidated, outmoded school building to the extent that is necessary to insure the students of such a school of the same educational opportunities as those students attending modern facilities. We say this with the knowledge that the shabby quality of these buildings have time and time again been central elements in the courts' findings of fact that segregated school systems do not result in equal education. Therefore, unless these buildings are replaced, we envision much of the Federal effort in this area merely resulting only in a change of the color of some of the children who will be denied an equal education.

It should also be noted that frequently segregated pupil patterns, both de jure and de facto, arise as a result of the location of school buildings. In many such areas, these patterns can best be broken by the strategic placement of new schools. Unfortunately the bill closes this option. While we would agree with the administration that this bill should not be turned into a school construction bill, construction costs should be an eligible item of expense if it is part of an overall desegregation package.

Finally, it should be noted, that in advancing desegregation, consideration should be given to the hardship which a plan might work on children and parents. Therefore, school districts should be permitted to weigh the merits of erecting a new building as a alternative to, say, a situation where large numbers of students will have to travel long distances for a number of years before there are sufficient local funds for construction.

Conclusion

In the light of the foregoing, the National School Boards Association is opposed to legislation which provides the Administration with an excess of 15% discretionary money. Similarly, we are opposed to legislation which further complicates the work of school boards and limits the effectiveness of their federally supported programs by slintering them into narrow categories. Accordingly, we are opposed to S. 683 in its current form.

Apart from our opposition to the approach which S. 683 takes with respect to discretion and categorization, we believe that specific language in the bill should be amended or deleted, while other provisions should be added. These specifics have enumerated within the body of our statement.

SENATOR
F. MONDALE

National **LEGAL AID** *and*
DEFENDER *Association*

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Junius L. Allison
Executive Director

March 1, 1971

Senator Walter F. Mondale
United States Senate
Washington, D. C. 20510

Dear Senator Mondale:

I am writing this letter in response to your request for an expression of views on Section 11 of Senate Bill S. 683.

School desegregation suits are always complex, time-consuming and expensive, but lawyers who represent minority clients are almost never paid for their work either by their clients or by court order -- even when they win. This means, as a practical matter, that the vast majority of lawyers who have been able to take on such suits have been supported by foundations such as the NAACP Legal Defense Fund. Those lawyers work principally in the South and they are over-extended. They cannot handle all the cases of discrimination in educational facilities.

Section 11 of S. 683 (the "Quality Integrated Education Act of 1971") would help to rectify this situation and to fill a gap in existing legal services. That Section would require courts to award attorneys' fees for successful litigation pertaining to elementary and secondary education under Title I of the Elementary and Secondary Education Act of 1965, Title VI of the Civil Rights Act of 1964, or the Fourteenth Amendment to the Constitution.

The fee provision will not make the bringing of school discrimination cases particularly attractive from a financial viewpoint -- it will only make it possible for more private attorneys to work on them. The legislation provides only for "reasonable" fees, which is virtually the same language appearing in both Title II (public accommodations) and Title VII (employment discrimination) of the Civil Rights Act of 1964. In cases arising under those titles, courts have had no difficulty in determining appropriate fees after examining pertinent materials.

The present Administration has determined that school desegregation issues should be decided in federal courts, and not through administrative action under Title VI of the Civil Rights Act of 1964. This means that more lawyers will be needed to undertake the major litigation which must ensue. Obviously, most of the litigation will be private, and private lawyers will be needed. Section 11 will thus give parents and children of minority races a new and effective means of challenging instances of racial discrimination which have gone unattended too long.

I therefore strongly support Section 11 of S. 683.

Sincerely yours,

John W. Douglas
John W. Douglas
President
National Legal Aid and
Defender Association

UNIVERSITY OF CALIFORNIA, BERKELEY

BERKELEY • DAVIS • IRVINE • LOS ANGELES • RIVERSIDE • SAN DIEGO • SAN FRANCISCO   SANTA BARBARA • SANTA CRUZ

SCHOOL OF LAW (BOALT HALL)
BERKELEY, CALIFORNIA 94720

March 15, 1971

The Honorable Walter F. Mondale
United States Senate
Washington, D.C. 20510

Re Attorneys' Fees in Desegregation and Related Suits -- §11 of S 3883

Dear Senator Mondale:

I have recently learned of your continuing interest in the reimbursement of attorneys' fees and costs in successful litigation under Title I of the Elementary and Secondary Education Act of 1965 and Title VI of the Civil Rights Act of 1964, and of your plan to reintroduce a provision on that subject in the current session of Congress.

I am writing to express my support for such a measure and hopefully to encourage you to go forward with this proposal. Private enforcement of individual rights and legislative policy is vitally important in this area, and the recovery of attorneys' fees represents a reasonable and valid means of combating a serious deterrent to the bringing of an already uninviting form of litigation.

I respectfully urge you to reintroduce this provision and hope that you will be successful.

Sincerely,

Edward C. Halbach, Jr.

Edward C. Halbach, Jr.
Dean

STANFORD SCHOOL OF LAW
STANFORD, CALIFORNIA 94305

OFFICE OF THE DEAN

12 March 1971

Dear Senator Mondale:

I have recently become aware of the provision for the payment of plaintiffs' attorneys' fees contained in the Emergency School Assistance Act of 1970 as reported out last December by the Education Subcommittee to the Senate Committee on Labor and Public Welfare (Sections 3(b)(1)(C) and 11 of S 3883).

Obviously greater efforts are needed to find ways to protect the rights of children and teachers to freedom from racial discrimination in the public schools. Private litigation by those injured by breach of legal requirements is one of the most efficient, decentralized and economical methods for protecting those rights. But such litigation often is lengthy and therefore expensive. The Senate Subcommittee's provision would provide an effective and practical way of encouraging private action in reinforcement of the public interest. Private litigation cannot, of course, serve as a substitute for enforcement efforts by public agencies. But private litigation can effectively and responsibly supplement those efforts.

I hope that you will reintroduce the attorneys' fees provision in the present session and urge you to do so.

Sincerely,

Bayless Manning
Dean

The Honorable Walter F. Mondale
United States Senate
Washington, D. C. 20510

BM:c

STATEMENT OF

JOHN P. LAGOMARCINO
DIRECTOR OF LEGISLATIVE ACTIVITIES
ON BEHALF OF COMMON CAUSE
BEFORE THE

EDUCATION SUBCOMMITTEE
OF THE
LABOR AND PUBLIC WELFARE COMMITTEE
ON

S.195 - EMERGENCY SCHOOL AID ACT OF 1971
and
S.683 - QUALITY INTEGRATED EDUCATION ACT OF 1971

March 25, 1971

We in Common Cause share the deep concern of this Subcommittee regarding the quality of education available to the children of America. It is for this reason that we have a strong interest in legislation now before the Subcommittee to promote the desegregation and integration of our nation's schools and, in so doing, to improve the opportunity for a quality education for all American youngsters. We refer specifically to S.195, the proposed Emergency School Aid Act of 1971, introduced on behalf of the Administration by Senators Javits and Griffin, and S.683, the Quality Integrated Education Act of 1971, introduced by Senators Mondale, Ribicoff, Brooke and Case and 14 of their colleagues.

We have examined the two bills carefully and have come to the conclusion that S.683 represents a more positive vehicle for beginning to deal seriously with the complex problems of racial isolation in schools in all parts of the nation. There is a clear and sharp difference in the thrust of the two bills. S.195 is primarily a desegregation bill; S.683 is an integration bill. Neither bill requires anything more than the law now demands, but S.683 provides that most of the funds it authorizes would be used only in schools meeting a high standard of integration -- a standard recognizing not only the importance of racial and national origin integration of students and faculty but also economic diversity as a key element in successful integration.

After 17 years -- the time elapsed since the Brown decision of the Supreme Court, it is clear that Congress should be seeking more from putative beneficiaries of federal financial assistance than minimum compliance with either a court order or a desegregation plan adopted to meet the requirements of Title VI of the 1964 Civil Rights Act. We share the view that the time has come to begin speaking in terms of meaningful, quality integration of schools instead of minimal compliance with court orders or Title VI plans. This is especially true because the requirements of court orders particularly vary so greatly in the integration they produce or, too frequently, fail to produce. It is not too much to expect in the year 1971 that a school system receiving federal aid to promote equality of educational opportunity should meet some standard of integration as a prerequisite to receiving that assistance.

The principal shortcoming of the Administration bill is that it fails to establish any definitional standard of integration or desegregation for participation by school districts in the program. S.195 would fund districts desegregating under court orders or Title VI plans, regardless of whether those plans were actually bringing about integration. It would fund districts which "reduce minority group isolation," though it fails to define "reduce" or to set a standard for reducing racial isolation. Without such a standard, we fear that the Administration bill might well result in the distribution of funds to a large number of schools systems for projects which would have little effect in integrating the schools of America.

If the Subcommittee believes, as we do, that a federal integration program is needed, then it is our hope that it will report a bill patterned after S.683, rather than the alternative, S.195. We agree that assistance is needed in some districts still in the process of eliminating the dual school system or complying with court orders. Title IV of the Civil Rights Act of 1964, which authorizes technical assistance to aid desegregating districts, attempts to meet this need. There may be a need for other types of assistance to desegregating districts, but it is not too much to expect them to meet an integration standard in order to qualify for assistance. Otherwise the funds will flow into districts, not on the basis of performance in terms of integration, but because they happen to be under court orders to desegregate or because they are operating under Title VI plans. In short, those districts which have dragged their heels the longest, will receive the greatest "reward." It is particularly galling to the majority of districts that peacefully and efficiently ended practices of segregation to see those most recalcitrant finally reap the rewards of their obstreperousness. It has been 17 years since the Supreme Court said legally-imposed segregation was unconstitutional, and last year marked the first that funds were appropriated to assist in the process, with the exception of the modest amounts appropriated the last few years under the authority of the aforementioned Title IV. After so long a time, it is all the more imperative that the funds be well and properly spent, and that any law authorizing such expenditures recognize that 17 years have passed and that times and conditions have changed dramatically.

The experience with the special appropriation of $75 million last year to assist in school desegregation is another factor which leads us to the conclusion that the country would be better served by the passage of a bill along the lines of S.683. We cannot add anything to the testimony already received by your Subcommittee about the abuses in the so-called Emergency School Assistance Program reported by the six civil rights groups - - a report now largely corroborated by a study of the General Accounting Office. We believe the standard of integration contained in S.683 coupled with the earmarking of funds for specific purposes and the careful definition of authorized activities, represent the best assurance that the ESAP experience will not be repeated under the larger programs.

Another important provision of S.683 not found in S.195 is the reservation of 3 percent of the authorized funds for reimbursement of private attorneys' fees in cases under the proposed legislation, Title I of the Elementary and Secondary Education Act, Title VI of the Civil Rights Act of 1964, and the equal protection clause of the 14th Amendment. This is a vital provision and one which Common Cause strongly urges the Subcommittee to retain in any bill it reports. Indeed, a similar provision in effect after passage of the 1964 Civil Rights Act would have alleviated, at a much earlier date, many of the problems still necessarily confronted by the proposed legislation.

The answers to the complex problems of racial isolation do not come easily. We need to do some experimenting to determine what works and what does not. The earmarking of funds for development of educational parks and the reservation of funds in S.683 for inter-district integration cooperation can help us find solutions to the problems most strongly associated with metropolitan integration.

We also endorse the provisions of S.683 with respect to the development of integrated children's television programs, participation of nonprofit community groups in projects to promote integration and equal educational opportunity, the meaningful involvement of parents and teachers in the development and implementation of projects funded under the legislation and the provisions requiring public disclosure of materials relating to the project applications and implementation of those applications.

In summary, Mr. Chairman, we urge your Subcommittee to take a positive step toward quality, integrated education by reporting S.683, or a bill very much along those lines. We are convinced there is a reservoir of public support for this type of legislation which will take us away from reluctant compliance with the minimum requirements of the law toward the more hopeful and promising task of providing quality education in a stable and integrated setting for all American youngsters. We believe S.683 is a crucial step in confronting the question of how to create the opportunity for a stable, quality integrated education for all American children, regardless of their race, national origin or the economic level of their families.

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LAWRENCE SPEISER
Director

March 23, 1971

Honorable Claiborne Pell
Chairman
Subcommittee on Education
Committee on Labor and Public Welfare
U.S. Senate
Washington, D.C. 20510

Dear Senator Pell:

The American Civil Liberties Union, through its southern affiliates and the Lawyers' Constitutional Defense Committee, for many years has represented black children, their parents, and their teachers in school desegregation litigation and has sought to eliminate racial discrimination in the educational system.

Although the job of physically desegregating school systems in the South is close to completion, our effort to achieve meaningful equality of educational opportunity within the integrated systems and to remedy the effects of past discrimination has just begun. We therefore have a great interest in two bills now before you, S. 195 and S. 683, both of which provide for the disbursement of federal funds to local school districts to assist in the maintenance of integrated education and to eliminate the educational effects of racial and economic segregation. We strongly support the passage of S. 683, as it contains provisions more likely to assure that both local educational agencies and the federal agency responsible for allocation under the Act will perform in a manner consistent with the purposes of the legislation.

In particular, we would like to call to your attention four critical differences in the proposed bills.

First, S. 683 conditions funding to local educational agencies on the existence of integrated schools or of a plan to achieve such integration. Although provision is made for the funding of pilot projects in "racially isolated schools" to alleviate the effect of such isolation, the bill prohibits such funding if the racial isolation is the result of discriminatory policies. S. 195 on the other hand would allow funding of districts operating under court desegregation orders or under a plan approved by HEW under Title VI of the Civil Rights Act of 1964, regardless of whether integration is actually taking place or, for that matter, whether the orders are being complied with. S. 195 would also permit funding for districts which have adopted plans to reduce the number of students in "racially isolated schools," without defining what "reduction" means and without in any way specifying by what standards the allocating agency is to determine whether "racially isolated schools" are in fact "racially segregated schools." S. 195, for instance, would allow funding of a district operating under a freedom-of-choice plan where some black students were enrolled in white schools, but where black schools remained all-black. Such plans have, of course, been consistently rejected by the courts, see Green v. Board of Education of New Kent County, ____U.S.____(1968); Carter, et al. v. West Feliciana Parish School Board, ____U.S.____(1970).

Second, S. 683 carefully defines and limits the type of programs which may be funded. It provides that no more than ten per cent of any grant may be used for remodeling or alteration of existing facilities, and only where necessary to facilitate one of the approved educational programs. S. 195, by contrast, allows funding of projects "which would not otherwise be funded and which involve activities designed to carry out the purposes of this act." The act furnishes examples of the kind of program which could be funded including: (1) the alteration of existing school facilities and/or the lease of mobile classrooms, without limitation as to expenditures and with no requirement that the expenditure be necessary to an educational program under the act; and (2) "other specially designed programs or projects which meet the purpose of this act." Although experience under Title I of the Elementary and Secondary Education Act of 1965 shows that explicit statutory standards for qualifying projects do not guarantee compliance, the vague and open-ended standards in S. 195 invite and indeed may well encourage loose regulations and vague project applications from local educational agencies.

Third, S. 683 requires participation of parents of minority group children and minority teachers in the development and implementation of projects under the Act. S. 195 contains no such requirement. The unfortunate reality throughout the South is that black people are inadequately represented on school boards. Countless numbers of white-dominated boards have actively discriminated against black students and teachers even after full integration of the systems. Although minority group participation as required in S. 683 does not insure that only meaningful projects will be proposed or that there will be non-discriminatory implementation of funded projects, it does make wholesale flagrant abuses, such as occurred in the expenditure of Title I funds, less likely.

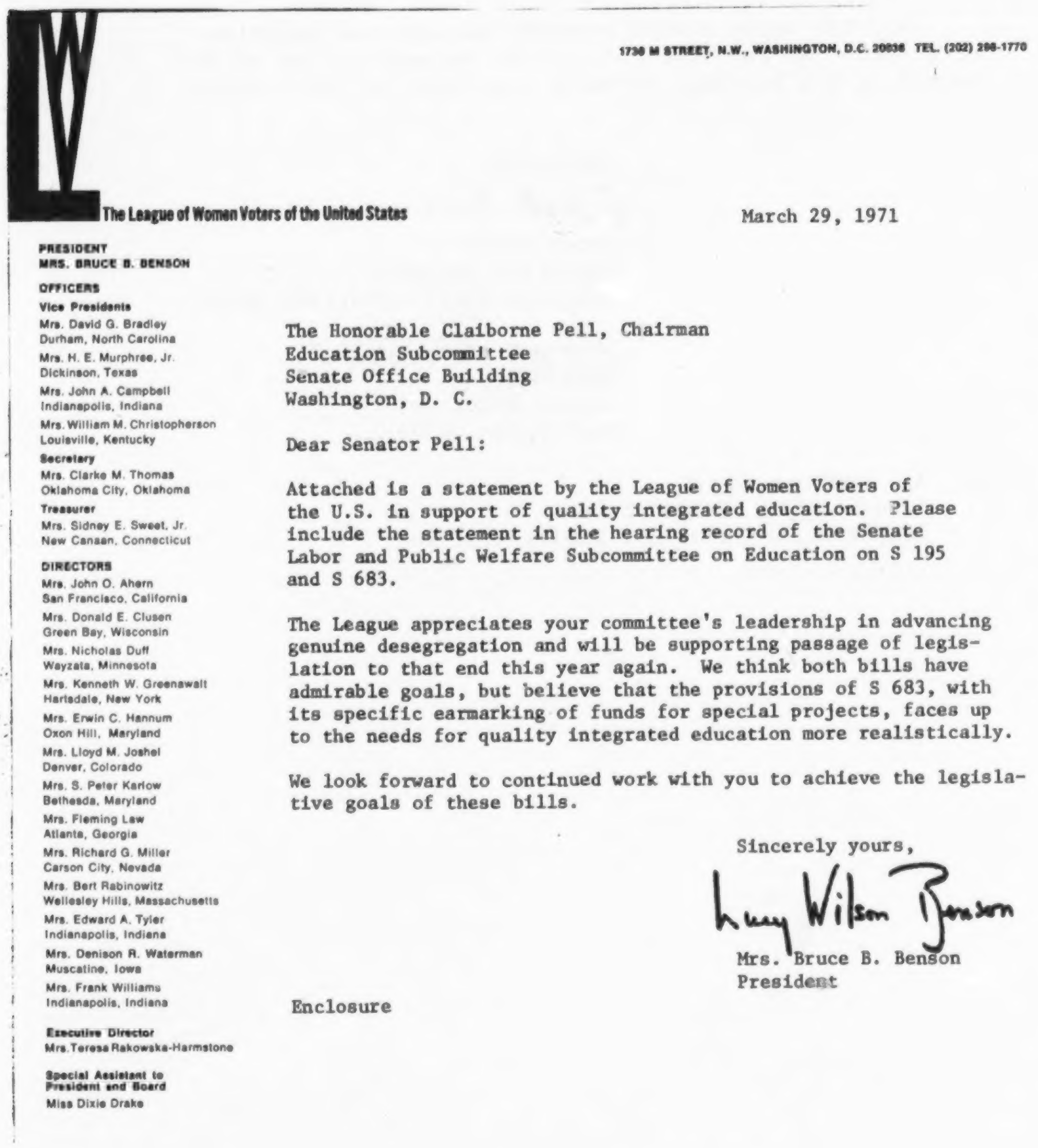
Fourth, S. 683 provides funds for reimbursement of attorneys' fees in successful lawsuits under S. 683 itself, Title I of the Elementary and Secondary Education Act, and Title VI of the Civil Rights Act of 1964. No such provision is contained in S. 195. Experience under the public accommodation and employment discrimination sections of the Civil Rights Act of 1964 (Title II and VII), which contain similar reimbursement provisions, indicate that the policies of those acts have been significantly furthered by providing private attorneys willing to litigate to enforce the acts on behalf of poor people the economic basis for doing so. Moreover, the Justice Department is not able to police every school district in the South. The history of school desegregation litigation is, for the most part, one of parallel efforts of government and private lawyers. Unquestionably, were the government alone carrying the burden of school desegregation litigation, far less progress would have been made in this area. In order to insure the maximum effective enforcement of the Act, and the continued involvement of private attorneys in this area, they must be provided the wherewithall to litigate on behalf of those persons who are unable to hire attorneys to enforce their public rights.

For the above stated reasons, we urge the adoption of S. 683. We ask that this letter be made a part of the record of the hearings recently concluded on these bills.

Sincerely,
Aryeh Neier
Aryeh Neier
Executive Director
American Civil Liberties Union

Hope Eastman
Hope Eastman
Acting Director
Washington Office

cc: All members of the
Subcommittee on Education
Committee on Labor and Public Welfare



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The League of Women Voters of the United States

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Special Assistant to President and Board
Miss Dixie Drake

March 29, 1971

The Honorable Claiborne Pell, Chairman
Education Subcommittee
Senate Office Building
Washington, D. C.

Dear Senator Pell:

Attached is a statement by the League of Women Voters of the U.S. in support of quality integrated education. Please include the statement in the hearing record of the Senate Labor and Public Welfare Subcommittee on Education on S 195 and S 683.

The League appreciates your committee's leadership in advancing genuine desegregation and will be supporting passage of legislation to that end this year again. We think both bills have admirable goals, but believe that the provisions of S 683, with its specific earmarking of funds for special projects, faces up to the needs for quality integrated education more realistically.

We look forward to continued work with you to achieve the legislative goals of these bills.

Sincerely yours,

Lucy Wilson Benson

Mrs. Bruce B. Benson
President

Enclosure

1730 M STREET, N.W., WASHINGTON, D.C. 20036 • TEL. (202) 296-1770

The League of Women Voters of the United States

March 23, 1971

STATEMENT TO THE SENATE LABOR AND PUBLIC WELFARE
SUBCOMMITTEE ON EDUCATION
IN SUPPORT OF QUALITY INTEGRATED EDUCATION

The League of Women Voters of the United States has long been committed to the goal of equal educational opportunity in this Nation. We are disheartened to see how little progress has been made since the 1954 landmark Brown decision. Our confidence that there will be progress can only be renewed by strong and committed national leadership to end discrimination and segregation in our schools. The League applauds this committee for its efforts to provide that leadership and to enact legislation which seeks to provide quality integrated education for all our Nation's children.

Such legislation is necessary. Local Leagues across the country report that the slow process of integration is rapidly being undone by resegregation. Legislation providing funds to assist school districts in meeting the special needs of desegregation may be a partial answer to the problem. (See appendix for excerpts from local League statements indicating the need for financial assistance.) We also believe that a strong Federal enforcement effort to eliminate segregation, no matter where it exists or for whatever reason, is a goal toward which we should strive.

We have looked at both S 195 -- the Administrations's Emergency School Aid Act -- and S 683, the bill developed by your Committee -- the Quality Integrated Education Act. While the League believes the goals and intent of both bills are commendable, we believe that S 683 is a better bill.

The League believes that S 683 is a comprehensive and well-defined bill that can help to further the goal of equal educational opportunity by helping to establish quality integrated schools. We support most of its features including the earmarking of funds for specific projects (and setting standards for those projects), the public information and community participation provisions, the concentration of funds, the stress on social and economic integration and the safeguards to insure that funds will be used to meet the purposes of the Act and will not violate Federal civil rights laws.

Before detailing our support of S 683, we would like to recommend that the bill finally endorsed by your Committee include a provision that priority for funding projects be given to those districts implementing total integration plans -- involving all the children and all the schools in the system. Districts demonstrating outstanding efforts should receive commensurate aid and support. Mandatory safeguards must also be provided in the bill to insure that funds go only to projects specifically related to desegregation and designed to reduce racial isolation. For this purpose, the degree of acceptable integration for funding must be clearly defined in the legislation.

Earmarking

The League approves the earmarking in S 683 of 40-45% of the funds to create stable, quality integrated schools, serving specified proportions of educationally advantaged and disadvantaged children, minority and nonminority children. Such schools can serve to demonstrate that social and economic integration can provide an environment for the best possible education. Such funds could be used to prevent resegregation in schools located in neighborhoods changing from white to black.

The 10-15% funds earmarked for pilot programs in racially isolated schools are vital to make those schools learning centers where all parents would want to send their children. Similarly, the 10% funds set aside by S 683 for the construction of urban education parks would be of great assistance to school districts desiring to try this new and promising -- but very costly -- approach to quality integrated education.

The 10% funds to assist districts seeking to establish cooperative interdistrict programs for social and economic integration would be most valuable. We support this provision since it is becoming more and more evident that problems cannot be solved on a piecemeal basis. Suburbs and cities must join together to eliminate segregation and discrimination and halt polarization.

The League also favors the 3% funds set aside for the reimbursement of attorneys' fees resulting from lawsuits to protect the rights of citizens under this program and under Title VI of the Civil Rights Act, the 14th Amendment and Title I of ESEA. Our support for this provision derives from our firm support of the right of the poor for equal access to the legal system and from our conviction that orderly integration and quality education will be effected faster if the poor are aided in their access to the legal system.

The final earmark we wish to speak to is that for private nonprofit groups seeking to implement community education projects -- 6% of the total funds in S 683. Projects initiated by community groups to assist in educating the community for integration have proven their worth over and again. An indispensable ingredient for successful integration is having the community in tune with the program. All too often, failure of good integration programs occurs because the real purpose and method of the program has not reached the community. Scare tactics and outrageous claims often make media headlines while community education efforts do not. Money would be very useful to groups wishing to counteract false and misleading claims and to educate the community -- in fact, money for community oriented projects may mean the difference between the success and failure of the integration process.

Public Information and Community Participation

We support the inclusion of public information and community participation provisions in S 683. We are particularly pleased that the bill seeks to provide real input from parents, teachers and students in the development and implementation of projects under the Act. We think this is a very serious omission in S 195 and urge its incorporation into the final Committee bill.

Concentration

S 683 would fund those districts with high concentrations of minority children. We believe this is preferable to the provision in S 195 that allots funds on the basis of the number of minority children enrolled in the states' public elementary and secondary schools. We have seen that the potential for change in Title I of ESEA has been seriously undermined because funds are inadequate to begin with and then they are spread too thin. Over 16,000 of the Nation's 22,000 school districts receive Title I funds -- clearly not answering the Congressional mandate for concentration of funds. We would be disturbed if funds to provide quality integrated schools were similarly dissipated.

Safeguards

We believe S 683 will provide encouragement to many school districts to integrate on a large scale. However, money entails responsibility -- all carrot and no stick would be particularly dangerous in this program. Both S 195 and S 683 contain safeguards designed to insure that the funds are spent in accordance with the intent of the program and of civil rights laws. These safeguards are absolutely vital -- equally vital is the administrative commitment to scrutinize carefully the operation of the program. A program meant to increase integration must not discriminate in the use of its funds. We hope that the experience with the $75 million emergency appropriation for this program last Fall will prove to be a profitable learning experience so that its mistakes will not be repeated.

Socio-Economic Mix

In defining standards for fundable programs, S 683 outlines standards to achieve a racial and economic balance of children. We must always keep in mind that the flow of the benefits of real integration is two-way: to nonminority children as well as to minority and to rich children as well as to poor. Children are severely alienated by a system that does not practice the ideals it teaches. We owe it to them to bring them together so that we can avert the tragedy of a divided Nation.

In sum, the League supports a bill which funds quality, integrated education programs. We support the concepts outlined in S 683 and believe that when implemented they can move the Nation toward quality integrated education.

We hope this legislation will be enacted soon -- lest we continue to perpetuate a lie of racial justice and equal opportunity.

APPENDIX

The following excerpts from recent statements by local Leagues who have worked on school desegregation indicate the need for additional financial assistance to school districts for the purpose of assuring successful desegregation.

Auburn, Alabama

This statement reveals the financial burden that most school systems face:

> Unfortunately Auburn schools, like all schools in Alabama, are under a severe financial strain. There were not enough funds to purchase many of the materials needed for individualized instruction program and not enough money to reduce appreciably the pupil-teacher ratio. Also classroom conditions are crowded in some of the schools.

South San Mateo County, California

The following excerpts explain the need for funds to build new facilities to work with faculty of integrated schools and to institute special programs in order to further integration efforts:

> Since 1965 the Board has sought to find an acceptable method of correcting racial imbalance. The task, never an easy one, has been complicated by the lack of adequate facilities to house the district's students due to defeat of bond issues.
>
> In-service programs for faculty in human relations have been conducted annually since 1965, and additional personnel, in the form of a district intergroup specialist, three community liaison workers, several attendance workers and a College Placement Director for disadvantaged students have been employed. Curriculum revision and development has been accelerated since passage of the permissive tax issue in June 1968, with many new pilot courses and innovations in teaching techniques developed. The District applied for and has been receiving federal and state special funding for compensatory education, improved library facilities, a new Teacher-Learner Center, and equipment and improved course offerings for occupational guidance and vocational education.

Stamford, Connecticut

This statement provides excellent rationale for funds to reduce class size and to work with teachers to develop their ability to deal with integrated classes:

> Now that integration of 6 elementary schools has been accomplished, it is our impression that integration is working best where principals especially wanted it to succeed and where class size has been substantially reduced to 25 pupils or under. Integration has, however, shown up weaknesses in the teaching staff who were used to homogeneous grouping and have found it difficult to adjust to heterogeneous grouping made necessary by integration.

Newington, Connecticut

This statement refers to "Project Concern," a program by which Hartford inner city children are bused to suburban schools. Perhaps with more money, the Board could have further increased participation:

> When renewal time arrived for Newington's contract with Hartford, there was only positive support voiced at the Board of Education meetings. The local Board expanded our participation to double the original amount of children and guaranteed them seats through the sixth grade.

Webster Groves, Missouri

The importance of providing funds for demonstration schools:

> In 1967 two elementary school buildings, Douglass and Washington Park, were structurally altered to provide space for special techniques of teaching, 'ungraded' classes, and team teaching. Children living in these neighborhoods may apply for admission to the demonstration schools and will be assigned if places are available. Demonstration schools are "designed to provide for us practices which have real promise, prior to introducing them into the rest of the system," according to Dr. Brown, Superintendent of Schools. Douglass School was until 1967 an all-black school. Because of the inducement of innovative techniques, many white children have transferred into Douglass--now only 63% black. Conversely, many black children attend formerly all white schools.

Lee County, North Carolina

Necessity for financial support:

> The superintendent expressed the opinion that there is very little confidence in the public school system by the general public, a national trend he feels Sanford is following. Much more financial and moral support must be given to the schools if they are to function properly.
>
> The vice-chairman also felt that the schools must have much-needed moral and financial support of the public. He seemed to think the lack of physical facilities was the major cause of concern now rather than any racial problems.

Pasadena Area, California

This statement makes a strong plea for federal funds to help pay the costs of desegregating schools:

> Desegregation costs money. Pasadena did not receive any Federal funds to offset the costs of transporting half the District's students. It is using $300,000 in Federal aid for impacted areas, which would be used for the instructional program as it in neighboring, all-white La Canada. Pasadena voters passed a 99 cent tax override in the fall of 1969, a year in which most bond and tax elections statewide met defeat. Pasadena's school tax

> rate now stands at $5.32 per $100 assessed valuation, higher than those of its immediate neighbors. One might add that minority unemployment in Pasadena stands at 23.6%. It seems clear that the minority community cannot assume an even heavier tax burden under present economic conditions. It seems clear also that middle class white parents here cannot be expected to pay more for their children's education and receive less than they would get in an all-white suburban district. Clearly, if the American people and their elected representatives have a commitment to the ideal of an integrated society, they must be prepared to cherish that society in the few places where it actually exists. They must be willing to contribute funds to the bona fide desegregated school districts sufficient to insure their successful operation so that others may be encouraged to follow in their path.

Peoria, Illinois

This League discusses workshops which were instituted to prepare teachers and administrators for desegration -- such workshops involve dollars:

> During the summer of 1968, seventy-five teachers and administrators attended a two week workshop on "Desegregation and the Role of Teachers." Teachers were encouraged but not required to attend and were paid for doing so. In January, 1969, all teachers attended a one-hour lecture on Negro history. The second summer (1969) another voluntary workshop was held with 52 teachers and administrators attending. They received a weekly stipend in addition to their tuition being paid and three hours graduate credit given. In the spring of 1970, all teachers were required to attend three half-day human relations workshops. Another program which began in 1968 involved about 40 volunteer tutors for underachievers in a number of schools.

Tulsa, Oklahoma

The suggestions presented to the School Board in Tulsa by the local League require adequate financing:

> The Tulsa League of Women Voters hopes that in the future the Board will de-emphasize buildings and boundary changes figuring so strongly in its plans and explore more innovative educational methods in more exciting settings such as magnet schools or educational parks, with programs of excellence that would naturally attract students from all parts of the city. This kind of planning would deal with solutions to problems created by Tulsa's segregated housing patterns. In the meantime new facilities might be built in locations which would not reinforce the separation which already exists. Each new school could alleviate or perpetuate this separation.

The following type of program which the Tulsa League discusses requires funding:

> The program was inaugurated by the University of Oklahoma Consultative Center at request of the school board, and funded by HEW. The

> program, which was implemented for 6 Saturdays, included in-service programs for teachers from 13 schools; counseling programs which worked with parents in the community as well as students and school personnel; workshops for teachers for helping those teachers who were teaching for the first time in integrated schools.

The Tulsa League has made a direct statement on the need for supportive services:

> The League of Women Voters also recognizes the need for extensive compensatory education and supportive services in our inner-city schools where many children need help in order to utilize academic opportunities. In order to make integration feasible and desirable all schools in our system should offer quality education so that no matter where a child attends school in Tulsa he is assured of the best possible education. Our schools should be so structured that a graduate of any Tulsa high school has achieved certain minimum educational standards.

NATIONAL
COUNCIL
OF JEWISH
WOMEN

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March 26, 1971

The Honorable Claiborne Pell, Chairman
Subcommittee on Education
Committee on Labor and Public Welfare
United States Senate
Washington, D. C.

Dear Senator Pell:

Enclosed please find the statement of the National Council of Jewish Women in support of the "The Quality Integrated Education Act", S.683.

We respectfully request that this statement be made a part of the record of the hearings on this legislation.

Sincerely yours,

Josephine S. Weiner

Mrs. Leonard H. Weiner
National President

LHW:tbe

Enclosure

National Council of Jewish Women, Inc.
1 West 47th Street, New York, New York 10036

Statement Submitted to the Subcommittee on Education
of the Committee on Labor and Public Welfare, U. S. Senate
In Support of "The Quality Integrated Education Act", S.683

The National Council of Jewish Women, founded in 1893, numbers 100,000 members in 181 cities and towns across the country. We function through an integrated program of education, service, and social action--locally, nationally, and internationally. We are pleased to have the opportunity to present a point of view on the legislation presently before the Senate Subcommittee on Education.

The National Council of Jewish Women Resolution on public education states: "(we) believe that American democracy depends on a strong system of public education to develop the highest potential of the individual", and pledges to "work for increased public understanding of the basic role of public education in our changing society and to support greater community participation in education affairs", and to "work for successful integration in the public schools of pupils, teachers, and administrative personnel."

We, therefore, strongly support the enactment of legislation which will promote quality integrated education for all children. Both S.195, "The Emergency School Aid Act of 1971", and S.683, "The Quality Integrated Education Act", are directed toward a solution of the problem of unequal educational opportunities for boys and girls. However, where S.195 appears to put the emphasis on desegregation, S.683 promotes specific programs designed to achieve integration, which is also the goal expressed in the Council Resolution quoted above.

In its language, S.683 attempts to insure that the funds appropriated will, in fact, be used only in the areas of greatest need and only for the purposes specified. We support the concepts (1) that funds not be dissipated for activities unrelated to the stated objectives, and (2) that no school district which has consistently violated the spirit or the letter of the 1954 Supreme Court decision be granted funds.

However, we do recommend that the legislation be so written to allow intransigent school districts to qualify for funding under the Act when the necessary firm assurances of compliance are given.

The National Council of Jewish Women would lend strong support to such forward-looking educational programs as integrated educational parks and joint urban-suburban integration efforts, as provided in S.683. Other programs specifically provided for in the Act; e.g., attorneys' fees for citizens or groups challenging local school districts, and integrated children's TV programs, etc., also merit our strong support. However, we would urge that the legislation not be so tightly drawn that still other programs which might be devised by the schools to accomplish the objectives of the Act, could not be funded. No one could claim that all successful programs for achieving quality integrated education have already been identified; nor have all programs with apparent promise for successful integrated education been evaluated in terms of the real gain in pupil progress. The definitive treatise on quality integrated education and how to achieve it has not yet been written, so we would urge that whatever legislation is finally passed be flexible enough to allow for experimentation and possible new answers to the problem.

Again, the National Council of Jewish Women strongly supports active community participation in educational affairs, and we are pleased to note that S.683 makes such provision. However, our organization has always insisted that public funds be spent for public education only ("the principle of separation of church and state . . . is basic to our system of public education"--NCJW Resolution). We therefore must state our continued objection to any provision in the proposed legislation which would allow funds to go to church-related schools or groups.

Finally, while our organization is largely urban/suburban in character, we also recognize that the problems of segregated and inferior education are not limited to the urban areas of this country. We are aware that the legislation under consideration has been drawn for a specific purpose, for a limited period of time (2 years), and with a limited amount of money, and that in order to make the maximum impact, such funds should be concentrated where the need is greatest. In our opinion, S.683 deals with this reality much more effectively than does S.195. Still, we do suggest that some of the more sparcely settled areas of the country which may not fit the population criteria established in the Mondale bill, also have serious problems in providing quality integrated education for their children, and that these problems are related to and may even contribute to the larger urban problems. Legislation dealing with quality integrated education ought to recognize this fact.

The National Council of Jewish Women urges the Congress to enact legislation designed to provide quality integrated education for all. We further urge that, once encated, such legislation be enforced firmly and fairly.

ESTIMATED STUDENTS AND TEACHERS IN STANDARD METROPOLITAN STATISTICAL AREAS, 1968

State	SMSA	Schools	Total	American Indian	Negro	Oriental	Spanish American	Minority Total	Other
Alabama	Birmingham	291							
	Students		166,189	0	63,258	0	0	63,258	102,931
	Horiz. Pct		100.0	0.0	38.1	0.0	0.0	38.1	61.9
	Teachers		6,482	0	2,296	0	0	2,296	4,186
	Horiz. Pct.		100.0	0.0	35.4	0.0	0.0	35.4	64.6
	Gadsden	31							
	Students		15,211	0	3,965	0	0	3,965	11,246
	Horiz. Pct		100.0	0.0	26.1	0.0	0.0	26.1	73.9
	Teachers		603	0	157	0	0	157	446
	Horiz. Pct		100.0	0.0	26.0	0.0	0.0	26.0	74.0
	Huntsville	53							
	Students		21,954	0	5,760	3	5	5,768	16,186
	Horiz. Pct		100.0	0.0	26.2	0.0	0.0	26.3	73.7
	Teachers		926	0	234	0	0	234	692
	Horiz. Pct		100.0	0.0	25.3	0.0	0.0	25.3	74.7
	Mobile	119							
	Students		90,107	0	35,309	0	0	35,309	54,798
	Horiz. Pct		100.0	0.0	39.2	0.0	0.0	39.2	60.8
	Teachers		3,149	0	1,233	0	0	1,233	1,916
	Horiz. Pct		100.0	0.0	39.2	0.0	0.0	39.2	60.8
	Montgomery	68							
	Students		47,723	0	19,700	0	0	19,700	28,023
	Horiz. Pct		100.0	0.0	41.3	0.0	0.0	41.3	58.7
	Teachers		1,688	0	657	0	0	657	1,031
	Horiz. Pct		100.0	0.0	38.9	0.0	0.0	38.9	61.1
	Tuscaloosa	48							
	Students		25,400	0	9,230	0	0	9,230	16,170
	Horiz. Pct		100.0	0.0	36.3	0.0	0.0	36.3	63.7
	Teachers		959	0	306	0	0	306	653
	Horiz. Pct		100.0	0.0	31.9	0.0	0.0	31.9	68.1

State	SMSA	Schools	Total	American Indian	Negro	Oriental	Spanish American	Minority Total	Other
Alabama (cont.)									
TOTAL		631							
	Students		377,727	0	143,494	3	5	143,502	234,225
	Horiz. Pct		100.0	0.0	38.0	0.0	0.0	38.0	62.0
	Teachers		14,230	0	5,103	0	0	5,103	9,127
	Horiz. Pct		100.0	0.0	35.9	0.0	0.0	35.9	64.1
Arizona	Phoenix	225							
	Students		199,102	2,518	10,298	985	29,094	42,895	156,206
	Horiz. Pct.		100.0	1.3	5.2	0.5	14.6	21.5	78.5
	Teachers		7,908	10	206	37	224	476	7,432
	Horiz. Pct.		100.0	0.1	2.6	0.5	2.8	6.0	94.0
	Tucson	103							
	Students		73,991	974	2,874	435	18,412	22,694	51,297
	Horiz. Pct.		100.0	1.3	3.9	0.6	24.9	30.7	69.3
	Teachers		2,955	6	50	15	105	177	2,779
	Horiz. Pct.		100.0	0.2	1.7	0.5	3.6	6.0	94.0
TOTAL		328							
	Students		273,093	3,492	13,172	1,420	47,506	65,590	207,503
	Horiz. Pct.		100.0	1.3	4.8	0.5	17.4	24.0	76.0
	Teachers		10,864	16	256	52	329	653	10,211
	Horiz. Pct.		100.0	0.1	2.4	0.5	3.0	6.0	94.0
Arkansas	Fort Smith	46							
	Students		21,498	8	1,292	0	7	1,307	20,191
	Horiz. Pct.		100.0	0.0	6.0	0.0	0.0	6.1	93.9
	Teachers		830	1	24	0	0	25	805
	Horiz. Pct.		100.0	0.2	2.9	0.0	0.0	3.1	96.9
	Little Rock - N. Little Rock	118							
	Students		66,818	28	17,418	33	87	17,566	49,252
	Horiz. Pct.		100.0	0.0	26.1	0.0	0.1	26.3	73.7
	Teachers		2,600	0	566	2	3	571	2,029
	Horiz. Pct.		100.0	0.0	21.8	0.1	0.1	22.0	78.0

State	SMSA	Schools	Total	American Indian	Negro	Oriental	Spanish American	Minority Total	Other
Arkansas (Cont.)	Pine Bluff	43							
	Students		20,158	6	10,033	17	27	10,083	10,075
	Horiz. Pct.		100.0	0.0	49.8	0.1	0.1	50.0	50.0
	Teachers		825	0	344	0	4	348	477
	Horiz. Pct.		100.0	0.0	41.7	0.0	0.5	42.2	57.8
TOTAL		241							
	Students		128,214	46	38,165	56	142	38,409	89,805
	Horiz. Pct.		100.0	0.0	29.8	0.0	0.1	30.0	70.0
	Teachers		5,017	1	1,243	2	7	1,253	3,764
	Horiz. Pct		100.0	0.0	24.8	0.0	0.1	25.0	75.0
California	Anaheim-Santa Ana-Garden Grove	448							
	Students		350,503	633	2,686	4,154	32,310	39,783	310,720
	Horiz. Pct.		100.0	0.2	0.8	1.2	9.2	11.4	88.6
	Teachers		12,864	16	42	165	235	458	12,406
	Horiz. Pct.		100.0	0.1	0.3	1.3	1.8	3.6	96.4
	Bakersfield	158							
	Students		93,238	253	6,764	855	16,959	24,831	68,407
	Horiz. Pct.		100.0	0.3	7.3	0.9	18.2	26.6	73.4
	Teachers		3,572	3	71	26	70	170	3,402
	Horiz. Pct.		100.0	0.1	2.0	0.7	2.0	4.8	95.2
	Fresno	197							
	Students		113,505	467	6,569	2,224	33,164	42,424	71,080
	Horiz. Pct.		100.0	0.4	5.8	2.0	29.2	37.4	62.6
	Teachers		4,358	3	40	56	126	226	4,132
	Horiz. Pct		100.0	0.1	0.9	1.3	2.9	5.2	94.8
	Los Angeles-Long Beach	1,671							
	Students		1,478,782	3,131	204,517	35,159	251,340	494,147	984,635
	Horiz. Pct.		100.0	0.2	13.8	2.4	17.0	33.4	66.6
	Teachers		54,807	39	4,884	1,631	1,386	7,941	46,866
	Horiz. Pct.		100.0	0.1	8.9	3.0	2.5	14.5	85.5

State	SMSA	Schools	Total	American Indian	Negro	Oriental	Spanish American	Minority Total	Other
California (Cont.)	Oxnard-Ventura	153							
	Students		99,636	127	1,915	1,158	17,232	20,432	79,204
	Horiz. Pct.		100.0	0.1	1.9	1.2	17.3	20.5	79.5
	Teachers		3,825	7	37	33	74	151	3,675
	Horiz. Pct.		100.0	0.2	1.0	0.9	1.9	3.9	96.1
	Sacramento	354							
	Students		204,096	501	12,875	6,341	17,337	37,054	167,042
	Horiz. Pct.		100.0	0.2	6.3	3.1	8.5	18.2	81.8
	Teachers		7,863	17	231	137	105	490	7,373
	Horiz. Pct.		100.0	0.2	2.9	1.7	1.3	6.2	93.8
	Salinas-Monterey	74							
	Students		49,223	132	3,323	2,169	10,853	16,477	32,746
	Horiz. Pct.		100.0	0.3	6.8	4.4	22.0	33.5	66.5
	Teachers		1,955	1	66	33	52	152	1,803
	Horiz. Pct.		100.0	0.1	3.4	1.7	2.7	7.8	92.2
	San Bernardino-Riverside-Ontario	432							
	Students		271,513	1,216	14,769	1,515	47,915	65,415	206,098
	Horiz. Pct.		100.0	0.4	5.4	0.6	17.6	24.1	75.9
	Teachers		10,330	27	315	55	272	669	9,661
	Horiz. Pct.		100.0	0.3	3.0	0.5	2.6	6.5	93.5
	San Diego	388							
	Students		285,970	764	16,532	5,410	32,731	55,436	230,534
	Horiz. Pct.		100.0	0.3	5.8	1.9	11.4	19.4	80.6
	Teachers		10,679	9	225	63	200	496	10,183
	Horiz. Pct		100.0	0.1	2.1	0.6	1.9	4.6	95.4
	San Francisco-Oakland	1,029							
	Students		642,233	1,491	93,148	31,051	55,423	181,113	261,120
	Horiz. Pct.		100.0	0.2	14.5	4.8	8.6	28.2	71.8
	Teachers		26,646	19	1,465	805	475	2,765	23,881
	Horiz. Pct.		100.0	0.1	5.5	3.0	1.8	10.4	89.6

State	SMSA	Schools	Total	American Indian	Negro	Oriental	Spanish American	Minority Total	Other
California (cont.)	San Jose	401							
	Students		268,034	551	4,656	6,405	43,061	54,672	213,362
	Horiz. Pct		100.0	0.2	1.7	2.4	16.1	20.4	79.6
	Teachers		10,393	13	126	337	225	701	9,692
	Horiz. Pct.		100.0	0.1	1.2	3.2	2.2	6.7	93.3
	Santa Barbara	102							
	Students		60,676	148	1,786	1,116	10,918	13,969	46,707
	Horiz. Pct.		100.0	0.2	2.9	1.8	18.0	23.0	77.0
	Teachers		2,465	2	34	20	60	117	2,348
	Horiz. Pct.		100.0	0.1	1.4	0.8	2.4	4.7	95.3
	Stockton	121							
	Students		66,060	103	4,699	2,100	10,640	17,542	48,517
	Horiz. Pct.		100.0	0.2	7.1	3.2	16.1	26.6	73.4
	Teachers		2,619	4	75	64	73	216	2,404
	Horiz. Pct.		100.0	0.1	2.9	2.5	2.8	8.2	91.8
	Vallejo-Napa	105							
	Students		57,775	125	5,051	1,573	4,192	10,940	46,834
	Horiz. Pct.		100.0	0.2	8.7	2.7	7.3	18.9	81.1
	Teachers		2,354	3	65	25	36	129	2,225
	Horiz. Pct.		100.0	0.1	2.8	1.1	1.5	5.5	94.5
TOTAL		5,633							
	Students		4,041,244	9,643	379,289	101,228	584,074	1,074,235	2,967,009
	Horiz. Pct.		100.0	0.2	9.4	2.5	14.5	26.6	73.4
	Teachers		154,730	164	7,677	3,450	3,390	14,681	140,049
	Horiz. Pct.		100.0	0.1	5.0	2.2	2.2	9.5	90.5
Colorado	Colorado Springs	84							
	Students		53,800	69	2,793	568	4,422	7,851	45,949
	Horiz. Pct.		100.0	0.1	5.2	1.1	8.2	14.6	85.4
	Teachers		2,176	1	27	5	31	64	2,111
	Horiz. Pct.		100.0	0.0	1.2	0.2	1.4	3.0	97.0
	Denver	435							
	Students		285,500	586	14,222	1,713	29,172	45,692	239,808
	Horiz. Pct.		100.0	0.2	5.0	0.6	10.2	16.0	84.0
	Teachers		11,795	12	353	75	176	616	11,180
	Horiz. Pct.		100.0	0.1	3.0	0.6	1.5	5.2	94.8

State	SMSA	Schools	Total	American Indian	Negro	Oriental	Spanish American	Minority Total	Other
Colorado (Cont.)	Pueblo	58							
	Students		30,249	25	598	59	10,931	11,613	18,636
	Horiz. Pct.		100.0	0.1	2.0	0.2	36.1	38.4	61.6
	Teachers		1,266	0	5	3	71	79	1,187
	Horiz. Pct.		100.0	0.0	0.4	0.2	5.6	6.2	93.8
TOTAL		577							
	Students		369,549	679	17,613	2,339	44,525	66,156	304,393
	Horiz. Pct.		100.0	0.2	4.8	0.6	12.0	17.6	82.4
	Teachers		15,237	13	385	83	278	759	14,478
	Horiz. Pct.		100.0	0.1	2.5	0.5	1.8	5.0	95.0
Connecticut	Bridgeport	254							
	Students		161,640	56	16,199	369	5,973	22,597	139,043
	Horiz. Pct		100.0	0.0	10.0	0.2	3.7	14.0	86.0
	Teachers		7,384	2	215	10	20	248	7,136
	Horiz. Pct		100.0	0.0	2.9	0.1	0.3	3.4	96.6
	Hartford	378							
	Students		219,295	61	16,991	301	5,369	22,722	196,573
	Horiz. Pct		100.0	0.0	7.7	0.1	2.4	10.4	89.6
	Teachers		10,101	2	277	6	15	300	9,801
	Horiz. Pct		100.0	0.0	2.7	0.1	0.1	3.0	97.0
	New Haven	272							
	Students		150,491	66	16,646	264	3,579	20,555	129,936
	Horiz. Pct.		100.0	0.0	11.1	0.2	2.4	13.7	86.3
	Teachers		6,881	0	271	4	11	286	6,595
	Horiz. Pct		100.0	0.0	3.9	0.1	0.2	4.2	95.8
	New London-Groton-Norwich	100							
	Students		50,830	12	2,249	163	431	2,856	47,975
	Horiz. Pct.		100.0	0.0	4.4	0.3	0.8	5.6	94.4
	Teachers		2,224	0	57	3	3	62	2,162
	Horiz. Pct.		100.0	0.0	2.5	0.1	0.1	2.8	97.2

State	SMSA	Schools	Total	American Indian	Negro	Oriental	Spanish American	Minority Total	Other
Connecticut (Cont.)	Waterbury	74							
	Students		34,263	1	370	23	45	440	33,824
	Horiz. Pct		100.0	0.0	1.1	0.1	0.1	1.3	98.7
	Teachers		1,586	0	10	1	0	11	1,575
	Horiz. Pct		100.0	0.0	0.6	0.0	0.0	0.7	99.3
TOTAL		1,077							
	Students		616,519	196	52,456	1,120	15,397	69,170	547,349
	Horiz. Pct		100.0	0.0	8.5	0.2	2.5	11.2	88.8
	Teachers		28,176	4	830	24	49	907	27,270
	Horiz. Pct		100.0	0.0	2.9	0.1	0.2	3.2	96.8
Delaware	Wilmington, Del-N.J.-Md.	162							
	Students		107,137	17	16,696	100	395	17,207	89,930
	Horiz. Pct		100.0	0.0	15.6	0.1	0.4	16.1	83.9
	Teachers		4,642	0	532	5	5	542	4,100
	Horiz. Pct		100.0	0.0	11.5	0.1	0.1	11.7	88.3
TOTAL		107							
	Students		82,615	9	14,069	65	162	14,305	68,310
	Horiz. Pct		100.0	0.0	17.0	0.1	0.2	17.3	82.7
	Teachers		3,580	0	479	3	3	485	3,095
	Horiz. Pct		100.0	0.0	13.4	0.1	0.1	13.6	86.4
District of Columbia	Washington, D.C.-Md.-Va.	854							
	Students		619,873	231	179,384	2,902	3,543	186,060	433,814
	Horiz. Pct		100.0	0.0	28.9	0.5	0.6	30.0	70.0
	Teachers		25,562	17	6,268	29	52	6,367	19,195
	Horiz. Pct		100.0	0.1	24.5	0.1	0.2	24.9	75.1
TOTAL		188							
	Students		148,725	31	139,006	746	662	140,445	8,280
	Horiz. Pct		100.0	0.0	93.5	0.5	0.4	94.4	5.6
	Teachers		6,224	8	4,828	11	21	4,868	1,356
	Horiz. Pct		100.0	0.1	77.6	0.2	0.3	78.2	21.8

State	SMSA	Schools	Total	American Indian	Negro	Oriental	Spanish American	Minority Total	Other
Florida	Fort Lauderdale-Hollywood	107							
	Students		103,003	114	24,516	64	823	25,517	77,486
	Horiz. Pct		100.0	0.1	23.8	0.1	0.8	24.8	75.2
	Teachers		4,235	2	830	0	7	839	3,396
	Horiz. Pct		100.0	0.0	19.6	0.0	0.2	19.8	80.2
	Jacksonville	135							
	Students		122,637	0	34,638	0	0	34,638	87,999
	Horiz. Pct		100.0	0.0	28.2	0.0	0.0	28.2	71.8
	Teachers		4,835	0	1,328	0	0	1,328	3,507
	Horiz. Pct		100.0	0.0	27.5	0.0	0.0	27.5	72.5
	Miami	215							
	Students		232,465	436	56,518	426	39,487	96,867	135,598
	Horiz. Pct		100.0	0.2	24.3	0.2	17.0	41.7	58.3
	Teachers		8,694	3	1,621	9	317	1,950	6,744
	Horiz. Pct		100.0	0.0	18.6	0.1	3.6	22.4	77.6
	Orlando	121							
	Students		93,733	20	17,251	14	57	17,342	76,391
	Horiz. Pct		100.0	0.0	18.4	0.0	0.1	18.5	81.5
	Teachers		3,859	0	723	0	4	727	3,132
	Horiz. Pct		100.0	0.0	18.7	0.0	0.1	18.8	81.2
	Pensacola	95							
	Students		55,704	69	13,670	122	78	13,939	41,765
	Horiz. Pct		100.0	0.1	24.5	0.2	0.1	25.0	75.0
	Teachers		2,145	1	422	4	2	429	1,716
	Horiz. Pct		100.0	0.0	19.7	0.2	0.1	20.0	80.0
	Tallahassee	26							
	Students		19,906	5	7,183	30	27	7,245	12,661
	Horiz. Pct		100.0	0.0	36.1	0.2	0.1	36.4	63.6
	Teachers		851	0	243	3	0	246	605
	Horiz. Pct		100.0	0.0	28.6	0.4	0.0	28.9	71.1

State	SMSA	Schools	Total	American Indian	Negro	Oriental	Spanish American	Minority Total	Other
Florida (Cont.)	Tampa-St. Petersburg	240							
	Students		179,451	247	31,940	236	7,103	39,526	139,925
	Horiz. Pct		100.0	0.1	17.8	0.1	4.0	22.0	78.0
	Teachers		7,015	5	991	5	397	1,398	5,617
	Horiz. Pct		100.0	0.1	14.1	0.1	5.7	19.9	80.1
	West Palm Beach	91							
	Students		61,715	5	17,158	27	1,553	18,743	42,972
	Horiz. Pct		100.0	0.0	27.8	0.0	2.5	30.4	69.6
	Teachers		2,755	0	651	1	18	670	2,085
	Horiz. Pct		100.0	0.0	23.6	0.0	0.7	24.3	75.7
TOTAL		1,030							
	Students		868,614	896	202,874	919	49,128	253,817	614,797
	Horiz. Pct		100.0	0.1	23.4	0.1	5.7	29.2	70.8
	Teachers		34,389	11	6,809	22	745	7,587	26,802
	Horiz. Pct		100.0	0.0	19.8	0.1	2.2	22.1	77.9
Georgia	Albany	35							
	Students		22,771	1	8,942	8	3	8,954	13,817
	Horiz. Pct		100.0	0.0	39.3	0.0	0.0	39.3	60.7
	Teachers		874	0	338	1	0	339	535
	Horiz. Pct		100.0	0.0	38.7	0.1	0.0	38.8	61.2
	Atlanta	460							
	Students		312,434	61	83,643	205	194	84,103	228,331
	Horiz. Pct		100.0	0.0	26.8	0.1	0.1	26.9	73.1
	Teachers		12,334	3	3,066	2	7	3,078	9,256
	Horiz. Pct		100.0	0.0	24.9	0.0	0.1	25.0	75.0
	Augusta, Ga.-S.C.	106							
	Students		60,428	43	19,975	259	262	20,539	39,889
	Horiz. Pct		100.0	0.1	33.1	0.4	0.4	34.0	66.0
	Teachers		2,432	1	746	1	0	748	1,684
	Horiz. Pct		100.0	0.0	30.7	0.0	0.0	30.8	69.2

State	SMSA	Schools	Total	American Indian	Negro	Oriental	Spanish American	Minority Total	Other
Georgia (Cont.)	Columbus, Ga.-Ala.	88							
	Students		53,516	12	18,789	91	184	19,076	34,440
	Horiz. Pct		100.0	0.0	35.1	0.2	0.3	35.6	64.4
	Teachers		1,986	0	646	0	1	647	1,339
	Horiz. Pct		100.0	0.0	32.5	0.0	0.1	32.6	67.4
	Macon	82							
	Students		51,589	0	18,098	13	5	18,116	33.473
	Horiz. Pct		100.0	0.0	35.1	0.0	0.0	35.1	64.9
	Teachers		2,253	0	736	0	0	736	1,517
	Horiz. Pct		100.0	0.0	32.7	0.0	0.0	32.7	67.3
	Savannah	63							
	Students		42,416	0	17,449	0	0	17,449	24,967
	Horiz. Pct		100.0	0.0	41.1	0.0	0.0	4[illegible]1	58.9
	Teachers		1,751	0	675	0	0	675	1,076
	Horiz. Pct		100.0	0.0	38.5	0.0	0.0	38.5	61.5
TOTAL		785							
	Students		519,050	117	153,953	557	645	155,292	363.758
	Horiz. Pct		100.0	0.0	29.7	0.1	0.1	29.9	70.1
	Teachers		20,705	4	5,776	4	9	5,793	14,912
	Horiz. Pct		100.0	0.0	27.9	0.0	0.0	28.0	72.0
Idaho	Boise City	44							
	Students		24,923	81	71	96	83	331	24,592
	Horiz. Pct		100.0	0.3	0.3	0.4	0.3	1.3	98.7
	Teachers		967	0	0	0	0	0	967
	Horiz. Pct		100.0	0.0	0.0	0.0	0.0	0.0	100.0
TOTAL		44							
	Students		24,923	81	71	96	83	331	24,592
	Horiz. Pct		100.0	0.3	0.3	0.4	0.3	1.3	98.7
	Teachers		967	0	0	0	0	0	967
	Horiz. Pct		100.0	0.0	0.0	0.0	0.0	0.0	100.0

State	SMSA	Schools	Total	American Indian	Negro	Oriental	Spanish American	Minority Total	Other
Illinois	Bloomington-Normal	98							
	Students		32,492	10	515	12	127	664	31,828
	Horiz. Pct		100.0	0.0	1.6	0.0	0.4	2.0	98.0
	Teachers		1,513	0	7	0	3	10	1,503
	Horiz. Pct		100.0	0.0	0.5	0.0	0.2	0.7	99.3
	Champaign-Urbana	60							
	Students		29,740	7	2,882	213	79	3,181	26,559
	Horiz. Pct		100.0	0.0	9.7	0.7	0.3	10.7	89.3
	Teachers		1,347	0	58	2	0	60	1,287
	Horiz. Pct		100.0	0.0	4.3	0.1	0.0	4.5	95.5
	Chicago	1,889							
	Students		1,361,698	1,337	347,219	5,956	63,417	417,929	943,769
	Horiz Pct		100.0	0.1	25.5	0.4	4.7	30.7	69.3
	Teachers		51,930	10	7,741	152	164	8,067	43,863
	Horiz. Pct		100.0	0.0	14.9	0.3	0.3	15.5	84.5
	Decatur	74							
	Students		30,421	5	3,360	8	6	3,379	27,041
	Horiz. Pct		100.0	0.0	11.0	0.0	0.0	11.1	88.9
	Teachers		1,189	0	26	0	0	26	1,163
	Horiz. Pct		100.0	0.0	2.2	0.0	0.0	2.2	97.8
	Peoria	147							
	Students		72,792	22	4,739	63	201	5,026	67,766
	Horiz. Pct		100.0	0.0	6.5	0.1	0.3	6.9	93.1
	Teachers		3,045	0	53	7	4	64	2,981
	Horiz. Pct		100.0	0.0	1.7	0.2	0.1	2.1	97.9
	Rockford	104							
	Students		62,473	58	4,733	52	387	5,230	57,243
	Horiz. Pct		100.0	0.1	7.6	0.1	0.6	8.4	91.6
	Teachers		2,625	0	60	0	1	61	2,564
	Horiz. Pct		100.0	0.0	2.3	0.0	0.0	2.3	97.7

State	SMSA	Schools	Total	American Indian	Negro	Oriental	Spanish American	Minority Total	Other
Illinois (cont.)	Springfield	72							
	Students		31,637	21	2,287	33	52	2,393	29,243
	Horiz. Pct		100.0	0.1	7.2	0.1	0.2	7.6	92.4
	Teachers		1,301	0	25	0	4	29	1,271
	Horiz. Pct		100.0	0.0	1.9	0.0	0.3	2.3	97.7
TOTAL		2,783							
	Students		1,790,359	1,545	393,543	6,556	65,968	467,613	1,322,746
	Horiz. Pct		100.0	0.1	22.0	0.4	3.7	26.1	73.9
	Teachers		69,704	10	8,766	162	190	9,129	60,575
	Horiz. Pct		100.0	0.0	12.6	0.2	0.3	13.1	86.9

State	SMSA	Schools	Total	American Indian	Negro	Oriental	Spanish American	Minority Total	Other
Indiana	Anderson	60							
	Students		33,871	8	2,220	9	128	2,365	31,505
	Horiz. Pct		100.0	0.0	6.6	0.0	0.4	7.0	93.0
	Teachers		1,292	0	10	0	0	10	1,282
	Horiz. Pct		100.0	0.0	0.8	0.0	0.0	0.8	99.2
	Evansville, Ind-Kentucky	73							
	Students		49,159	10	3,795	17	29	3,851	45,308
	Horiz. Pct		100.0	0.0	7.7	0.0	0.1	7.8	92.2
	Teachers		1,880	0	75	0	0	75	1,805
	Horiz. Pct		100.0	0.0	4.0	0.0	0.0	4.0	96.0
	Fort Wayne	89							
	Students		59,600	22	5,841	72	449	6,384	53,216
	Horiz. Pct		100.0	0.0	9.8	0.1	0.8	10.7	89.3
	Teachers		2,343	0	66	1	1	68	2,275
	Horiz. Pct		100.0	0.0	2.8	0.0	0.0	2.9	97.1
	Gary-Hammond-East Chicago	204							
	Students		157,334	165	36,315	168	9,413	46,060	111,274
	Horiz. Pct		100.0	0.1	23.1	0.1	6.0	29.3	70.7
	Teachers		6,278	2	1,325	15	54	1,397	4,881
	Horiz. Pct		100.0	0.0	21.1	0.2	0.9	22.2	77.8
	Indianapolis	355							
	Students		249,386	32	38,331	75	200	38,638	210,748
	Horiz. Pct		100.0	0.0	15.4	0.0	0.1	15.5	84.5
	Teachers		9,685	3	921	4	5	934	8,751
	Horiz. Pct		100.0	0.0	9.5	0.0	0.1	9.6	90.4
	Lafayette-West Lafayette	37							
	Students		20,678	12	186	57	98	353	20,325
	Horiz. Pct		100.0	0.1	0.9	0.3	0.5	1.7	98.3
	Teachers		865	0	3	0	1	4	861
	Horiz. Pct		100.0	0.0	0.3	0.0	0.1	0.5	99.5

State	SMSA	Schools	Total	American Indian	Negro	Oriental	Spanish American	Minority Total	Other
Indiana (Cont.)	Muncie	56							
	Students		33,487	0	2.077	10	25	2,112	31,375
	Horiz. Pct		100.0	0.0	6.2	0.0	0.1	6.3	93.7
	Teachers		1,336	0	19	1	0	20	1,316
	Horiz. Pct		100.0	0.0	1.4	0.1	0.0	1.5	98.5
	South Bend	94							
	Students		59,403	36	5,979	74	331	6,420	52,983
	Horiz. Pct		100.0	0.1	10.1	0.1	0.6	10.8	89.2
	Teachers		2,352	0	92	4	2	98	2,254
	Horiz. Pct		100.0	0.0	3.9	0.2	0.1	4.2	95.8
	Terre Haute	80							
	Students		35,394	8	1,396	27	7	1,438	33,957
	Horiz. Pct		100.0	0.0	3.9	0.1	0.0	4.1	95.9
	Teachers		1,478	0	22	1	0	23	1,455
	Horiz. Pct		100.0	0.0	1.5	0.1	0.0	1.6	98.4
TOTAL		1,123							
	Students		735,165	300	96,[illegible]80	536	10,818	108,634	626,531
	Horiz. Pct		100.0	0.0	13.2	0.1	1.5	14.8	85.2
	Teachers		28,927	5	2,530	27	65	2,627	26,299
	Horiz. Pct		100.0	0.0	8.7	0.1	0.2	9.1	90.9
Iowa	Cedar Rapids	75							
	Students		38.513	25	506	28	43	601	37,912
	Horiz. Pct		100.0	0.1	1.3	0.1	0.1	1.6	98.4
	Teachers		1,755	1	2	1	4	8	1,747
	Horiz. Pct		100.0	0.1	0.1	0.1	0.2	0.5	99.5
	Davenport-Rock Island Moline, Iowa-Ill.	147	81,614	42	3,777	66	1,750	5,635	75,979
	Students		100.0	0.1	4.6	0.1	2.1	6.9	93.1
	Horiz. Pct		3,382	0	40	1	10	51	3,331
	Teachers		100.0	0.0	1.2	0.0	0.3	1.5	98.5
	Horiz. Pct								

State	SMSA	Schools	Total	American Indian	Negro	Oriental	Spanish American	Minority Total	Other
Iowa (Cont.)	Des Moines	131							
	Students		66,036	56	3,677	105	454	4,291	61,745
	Horiz. Pct		100.0	0.1	5.6	0.2	0.7	6.5	93.5
	Teachers		2,670	3	38	3	3	47	2,623
	Horiz. Pct		100.0	0.1	1.4	0.1	0.1	1.8	98.2
	Dubuque	28							
	Students		12,882	4	6	13	5	28	12,854
	Horiz. Pct		100.0	0.0	0.0	0.1	0.0	0.2	99.8
	Teachers		496	0	0	1	0	1	495
	Horiz. Pct		100.0	0.0	0.0	0.2	0.0	0.2	99.8
	Sioux City, Iowa-Nebraska	53							
	Students		22,655	151	311	19	48	529	22,126
	Horiz. Pct		100.0	0.7	1.4	0.1	0.2	2.3	97.7
	Teachers		978	0	2	0	0	2	976
	Horiz. Pct		100.0	0.0	0.2	0.0	0.0	0.2	99.8
	Waterloo	59							
	Students		30,082	46	2,338	48	29	2,461	27,321
	Horiz. Pct		100.0	0.2	7.8	0.2	0.1	8.2	91.8
	Teachers		1,210	0	17	4	2	23	1,187
	Horiz. Pct		100.0	0.0	1.4	0.3	0.2	1.9	98.1
TOTAL		442							
	Students		223,403	314	8,285	240	1,176	10,015	213,388
	Horiz. Pct		100.0	0.1	3.7	0.1	0.5	4.5	95.5
	Teachers		9,383	4	72	11	12	99	9,283
	Horiz. Pct		100.0	0.0	0.8	0.1	0.1	1.1	98.9
Kansas	Topeka	82							
	Students		35,730	146	3,326	98	1,150	4,720	31,010
	Horiz. Pct		100.0	0.4	9.3	0.3	3.2	13.2	86.8
	Teachers		1,475	0	38	1	5	44	1,431
	Horiz. Pct		100.0	0.0	2.6	0.1	0.3	3.0	97.0

State	SMSA	Schools	Total	American Indian	Negro	Oriental	Spanish American	Minority Total	Other
Kansas (Cont.)	Wichita	205							
	Students		98,211	374	9,174	204	1,199	10,951	87,260
	Horiz. Pct		100.0	0.4	9.3	0.2	1.2	11.2	88.8
	Teachers		4,225	8	176	1	19	204	4,022
	Horiz. Pct		100.0	0.2	4.2	0.0	0.4	4.8	95.2
TOTAL		463							
	Students		230,733	573	23,286	401	3,721	27,980	202,753
	Horiz. Pct		100.0	0.2	10.1	0.2	1.6	12.1	87.9
	Teachers		9,654	9	490	6	29	534	9,120
	Horiz. Pct		100.0	0.1	5.1	0.1	0.3	5.5	94.5
Kentucky	Lexington	47							
	Students		34,867	10	5,969	31	21	6,031	28,836
	Horiz. Pct		100.0	0.0	17.1	0.1	0.1	17.3	82.7
	Teachers		1,404	0	132	0	1	133	1,271
	Horiz. Pct		100.0	0.0	9.4	0.0	0.1	9.5	90.5
	Louisville, Ky-Ind	212							
	Students		174,487	31	30,289	102	82	30,504	143,983
	Horiz. Pct		100.0	0.0	17.4	0.1	0.0	17.5	82.5
	Teachers		6,784	1	755	2	0	758	6,026
	Horiz. Pct		100.0	0.0	11.1	0.0	0.0	11.2	88.8
TOTAL		314							
	Students		240,258	34	36,906	109	90	37,139	203,119
	Horiz. Pct		100.0	0.0	15.4	0.0	0.0	15.5	84.5
	Teachers		9,344	1	921	2	1	925	8,419
	Horiz. Pct		100.0	0.0	9.9	0.0	0.0	9.9	90.1
Louisiana	Baton Rouge	101							
	Students		63,725	39	23,751	40	123	23,953	39,772
	Horiz. Pct		100.0	0.1	37.3	0.1	0.2	37.6	62.4
	Teachers		2,535	0	820	0	0	820	1,715
	Horiz. Pct		100.0	0.0	32.3	0.0	0.0	32.3	67.7

State	SMSA	Schools	Total	American Indian	Negro	Oriental	Spanish American	Minority Total	Other
Louisiana (Cont.)	Lafayette	35							
	Students		27,295	0	6,984	0	0	6,984	20,311
	Horiz. Pct		100.0	0.0	25.6	0.0	0.0	25.6	74.4
	Teachers		1,043	0	245	0	0	245	798
	Horiz. Pct		100.0	0.0	23.5	0.0	0.0	23.5	76.5
	Lake Charles	73							
	Students		39,043	0	9,934	0	0	9,934	29,109
	Horiz. Pct		100.0	0.0	25.4	0.0	0.0	25.4	74.6
	Teachers		1,552	0	359	0	0	359	1,193
	Horiz. Pct		100.0	0.0	23.1	0.0	0.0	23.1	76.9
	Monroe	57							
	Students		29,115	1	10,256	7	7	10,271	18,844
	Horiz. Pct		100.0	0.0	35.2	0.0	0.0	35.3	64.7
	Teachers		1,165	0	412	0	0	412	753
	Horiz. Pct		100.0	0.0	35.4	0.0	0.0	35.4	64.6
	New Orleans	248							
	Students		198,167	111	92,004	183	1,463	93,761	104,406
	Horiz. Pct		100.0	0.1	46.4	0.1	0.7	47.3	52.7
	Teachers		7,777	0	2,925	4	10	2,939	4,838
	Horiz. Pct		100.0	0.0	37.6	0.1	0.1	37.8	62.2
	Shreveport	101							
	Students		78,700	37	30,697	103	291	31,128	47,572
	Horiz. Pct		100.0	0.0	39.0	0.1	0.4	39.6	60.4
	Teachers		3,148	0	1,258	3	1	1,262	1,886
	Horiz. Pct		100.0	0.0	40.0	0.1	0.0	40.1	59.9
TOTAL		615							
	Students		436,045	188	173,626	333	1,884	176,031	260,014
	Horiz. Pct		100.0	0.0	39.8	0.1	0.4	40.4	59.6
	Teachers		17,220	0	6,019	7	11	6,037	11,183
	Horiz. Pct		100.0	0.0	35.0	0.0	0.1	35.1	64.9

State	SMSA	Schools	Total	American Indian	Negro	Oriental	Spanish American	Minority Total	Other
Maine	Lewiston-Auburn	63							
	Students		21,181	4	24	1	4	33	21,148
	Horiz. Pct		100.0	0.0	0.1	0.0	0.0	0.2	99.8
	Teachers		841	0	0	0	1	1	839
	Horiz. Pct		100.0	0.0	0.0	0.0	0.2	0.2	99.8
	Portland	118							
	Students		40,358	6	183	36	31	257	40,101
	Horiz. Pct		100.0	0.0	0.5	0.1	0.1	0.6	99.4
	Teachers		1,759	0	1	1	1	2	1,757
	Horiz. Pct		100.0	0.0	0.1	0.0	0.1	0.1	99.9
TOTAL		181							
	Students		61,539	10	208	37	35	290	61,249
	Horiz. Pct		100.0	0.0	0.3	0.1	0.1	0.5	99.5
	Teachers		2,600	0	1	0	2	4	2,596
	Horiz. Pct		100.0	0.0	0.1	0.0	0.1	0.1	99.9
Maryland	Baltimore	543							
	Students		438,530	78	143,062	338	319	143,797	294,733
	Horiz. Pct		100.0	0.0	32.6	0.1	0.1	32.8	67.2
	Teachers		17,145	2	4,591	9	4	4,606	12,539
	Horiz. Pct		100.0	0.0	26.8	0.1	0.0	26.9	73.1
TOTAL		952							
	Students		718,934	161	171,002	1,577	2,019	174,759	544,175
	Horiz. Pct		100.0	0.0	23.8	0.2	0.3	24.3	75.7
	Teachers		28,340	6	5,670	19	17	5,712	22,628
	Horiz. Pct		100.0	0.0	20.0	0.1	0.1	20.2	79.8
Massachusetts	Boston	1,271							
	Students		642,558	157	32,388	3,215	4,577	40,337	602,221
	Horiz. Pct		100.0	0.0	5.0	0.5	0.7	6.3	93.7
	Teachers		28,537	1	337	22	18	378	28,159
	Horiz. Pct		100.0	0.0	1.2	0.1	0.1	1.3	98.7

State	SMSA	Schools	Total	American Indian	Negro	Oriental	Spanish American	Minority Total	Other
Massachuestts (Cont.)									
	Brockton	154							
	Students		77,687	40	1,569	149	887	2,645	75,042
	Horiz. Pct		100.0	0.1	2.0	0.2	1.1	3.4	96.6
	Teachers		3,452	1	23	3	9	36	3,415
	Horiz. Pct		100.0	0.0	0.7	0.1	0.3	1.1	98.9
	Fall River, Mass-R.I.	30							
	Students		13,462	20	962	96	78	1,156	12,306
	Horiz. Pct		100.0	0.1	7.1	0.7	0.6	8.6	91.4
	Teachers		666	0	10	1	2	13	653
	Horiz. Pct		100.0	0.0	1.5	0.2	0.3	2.0	98.0
	Lawrence-Haverhill, Mass-N.H.	56							
	Students		27,042	13	329	56	66	465	26,578
	Horiz. Pct		100.0	0.0	1.2	0.2	0.2	1.7	98.3
	Teachers		1,196	0	1	0	4	5	1,191
	Horiz. Pct		100.0	0.0	0.1	0.0	0.3	0.4	99.6
	New Bedford	198							
	Students		78,170	13	2,676	144	430	3,264	74,905
	Horiz. Pct		100.0	0.0	3.4	0.2	0.6	4.2	95.8
	Teachers		3,442	1	24	3	6	34	3,408
	Horiz. Pct		100.0	0.0	0.7	0.1	0.2	1.0	99.0
	Pittsfield	74							
	Students		30,910	24	494	44	40	601	30,308
	Horiz. Pct		100.0	0.1	1.6	0.1	0.1	1.9	98.1
	Teachers		1,452	0	7	3	0	10	1,441
	Horiz. Pct		100.0	0.0	0.5	0.2	0.0	0.7	99.3
	Springfield-Chicopee-Holyoke, Mass-Conn.	247							
	Students		119,807	36	7,222	176	1,734	9,168	110,639
	Horiz. Pct		100.0	0.0	6.0	0.1	1.4	7.7	92.3
	Teachers		5,084	1	89	2	6	98	4,986
	Horiz. Pct		100.0	0.0	1.8	0.0	0.1	1.9	98.1

State	SMSA	Schools	Total	American Indian	Negro	Oriental	Spanish American	Minority Total	Other
Massachusetts (Cont.)									
	Worcester	295							
	Students		119,983	81	1,353	223	561	2,218	117,765
	Horiz. Pct		100.0	0.1	1.1	0.2	0.5	1.8	98.2
	Teachers		5,548	0	30	2	3	35	5.513
	Horiz. Pct		100.0	0.0	0.5	0.0	0.1	0.6	99.4
TOTAL		2,239							
	Students		1,069,115	351	45,701	3,951	8,229	58,233	1,010,882
	Horiz. Pct		100.0	0.0	4.3	0.4	0.8	5.4	94.6
	Teachers		47,515	4	510	36	42	592	46,923
	Horiz. Pct		100.0	0.0	1.1	0.1	0.1	1.2	98.8
Michigan	Ann Arbor	83							
	Students		44,853	50	4,440	265	276	5,031	39,822
	Horiz. Pct		100.0	0.1	9.9	0.6	0.6	11.2	88.8
	Teachers		1,992	1	95	7	5	108	1,884
	Horiz. Pct		100.0	0.1	4.8	0.4	0.3	5.4	94.6
	Bay City	54							
	Students		25,783	56	249	16	691	1,012	24,771
	Horiz. Pct		100.0	0.2	1.0	0.1	2.7	3.9	96.1
	Teachers		923	0	2	0	3	5	918
	Horiz. Pct		100.0	0.0	0.2	0.0	0.3	0.5	99.5
	Detroit	1,286							
	Students		960,389	1,029	204,734	2,172	8,129	216,064	744,325
	Horiz. Pct		100.0	0.1	21.3	0.2	0.8	22.5	77.5
	Teachers		36,437	32	4,944	71	88	5,135	31,302
	Horiz. Pct		100.0	0.1	13.6	0.2	0.2	14.1	85.9
	Flint	205							
	Students		128,853	134	19,002	105	1,325	20,566	108,287
	Horiz. Pct		100.0	0.1	14.7	0.1	1.0	16.0	84.0
	Teachers		4,873	0	418	6	8	432	4,441
	Horiz. Pct		100.0	0.0	8.6	0.1	0.2	8.9	91.1

State	SMSA	Schools	Total	American Indian	Negro	Oriental	Spanish American	Minority Total	Other
Michigan (Cont.)	Grand Rapids	270							
	Students		118,918	278	7,573	174	1,727	9,752	109,166
	Horiz. Pct		100.0	0.2	6.4	0.1	1.5	8.2	91.8
	Teachers		4,792	1	114	9	5	129	4,663
	Horiz. Pct		100.0	0.0	2.4	0.2	0.1	2.7	97.3
	Jackson	67							
	Students		34,193	54	1,949	17	245	2,265	31,928
	Horiz. Pct		100.0	0.2	5.7	0.0	0.7	6.6	93.4
	Teachers		1,339	1	30	0	5	36	1,303
	Horiz. Pct		100.0	0.1	2.2	0.0	0.4	2.7	97.3
	Kalamazoo	90							
	Students		44,711	106	2,941	121	218	3,386	41,325
	Horiz. Pct		100.0	0.2	6.6	0.3	0.5	7.6	92.4
	Teachers		1,835	0	43	3	0	46	1,789
	Horiz. Pct		100.0	0.0	2.3	0.2	0.0	2.5	97.5
	Lansing	185							
	Students		88,047	158	3,690	199	2,292	6,339	81,708
	Horiz. Pct		100.0	0.2	4.2	0.2	2.6	7.2	92.8
	Teachers		3,619	1	66	9	2	78	3,541
	Horiz. Pct		100.0	0.0	1.8	0.2	0.1	2.2	97.8
	Muskegon-Muskegon Heights	82							
	Students		42,446	159	5,540	47	559	6,305	36,141
	Horiz. Pct		100.0	0.4	13.1	0.1	1.3	14.9	85.1
	Teachers		1,750	0	79	3	2	84	1,666
	Horiz. Pct		100.0	0.0	4.5	0.2	0.1	4.8	95.2
	Saginaw	103							
	Students		52,202	58	9,084	57	2,647	11,846	40,356
	Horiz. Pct		100.0	0.1	17.4	0.1	5.1	22.7	77.3
	Teachers		2,011	0	157	0	8	165	1,846
	Horiz. Pct		100.0	0.0	7.8	0.0	0.4	8.2	91.8

State	SMSA	Schools	Total	American Indian	Negro	Oriental	Spanish American	Minority Total	Other
Michigan (Cont.)									
TOTAL		2,476							
	Students		1,567,858	2,102	259,879	3,186	18,555	283,722	1,284,136
	Horiz.		100.0	0.1	16.6	0.2	1.2	18.1	81.9
	Teachers		60,600	37	5,954	109	129	6,229	54,371
	Horiz.		100.0	0.1	9.8	0.2	0.2	10.3	89.7
Minnesota									
	Duluth-Superior	146							
	Students		66,143	678	303	89	40	1,110	65,033
	Horiz. Pct		100.0	1.0	0.5	0.1	0.1	1.7	98.3
	Teachers		2,722	3	4	1	0	8	2,714
	Horiz. Pct		100.0	0.1	0.1	0.0	0.0	0.3	99.7
	Minneapolis-St. Paul	537							
	Students		405,073	2,234	8,570	1,109	2,286	14,199	390,874
	Horiz. Pct		100.0	0.6	2.1	0.3	0.6	3.5	96.5
	Teachers		16,298	5	144	41	23	2.4	16,084
	Horiz. Pct		100.0	0.0	0.9	0.3	0.1	1.3	98.7
TOTAL		684							
	Students		473,935	2,834	8,864	1,204	2,489	15,392	458,542
	Horiz. Pct		100.0	0.6	1.9	0.3	0.5	3.2	96.8
	Teachers		19,149	8	147	42	23	221	18,928
	Horiz. Pct		100.0	0.0	0.8	0.2	0.1	1.2	98.8
Mississippi									
	Biloxi-Gulfport	56							
	Students		31,264	16	6,974	47	93	7,130	24,134
	Horiz. Pct		100.0	0.1	22.3	0.2	0.3	22.8	77.2
	Teachers		1,243	0	241	1	2	244	999
	Horiz. Pct		100.0	0.0	19.4	0.1	0.2	19.6	80.4
	Jackson	89							
	Students		62,567	24	28,303	20	27	28,374	34,193
	Horiz. Pct		100.0	0.0	45.2	0.0	0.0	45.3	54.7
	Teachers		2,443	0	1,001	0	1	1,002	1,441
	Horiz. Pct		100.0	0.0	41.0	0.0	0.0	41.0	59.0

State	SMSA	Schools	Total	American Indian	Negro	Oriental	Spanish American	Minority Total	Other
Mississippi (Cont.)									
TOTAL		145							
	Students		93,831	40	35,277	67	120	35,504	58,327
	Horiz. Pct		100.0	0.0	37.6	0.1	0.1	37.8	62.2
	Teachers		3,686	0	1,242	1	3	1,246	2,440
	Horiz. Pct		100.0	0.0	33.7	0.0	0.1	33.8	66.2
Missouri									
	Kansas City, Mo-Kansas	462							
	Students		292,571	103	46,049	246	1,767	48,164	244,406
	Horiz. Pct		100.0	0.0	15.7	0.1	0.6	16.5	83.5
	Teachers		11,455	3	1,172	8	8	1.191	10,264
	Horiz. Pct		100.0	0.0	10.2	0.1	0.1	10.4	89.6
	St. Joseph	32							
	Students		16,786	0	642	0	40	682	16,104
	Horiz. Pct		100.0	0.0	3.8	0.0	0.2	4.1	95.9
	Teachers		647	0	14	0	0	14	633
	Horiz. Pct		100.0	0.0	2.2	0.0	0.0	2.2	97.8
	St. Louis, Mo.-Ill.	803							
	Students		490,763	192	109,334	676	939	111,141	379,622
	Horiz. Pct		100.0	0.0	22.3	0.1	0.2	22.6	77.4
	Teachers		19,185	6	3,142	30	35	3,213	15,972
	Horiz. Pct		100.0	0.0	16.4	0.2	0.2	16.7	83.3
	Springfield	69							
	Students		32,703	16	589	49	27	681	32,022
	Horiz. Pct.		100.0	0.0	1.8	0.1	0.1	2.1	97.9
	Teachers		1,286	0	10	1	2	13	1,273
	Horiz. Pct		100.0	0.0	0.8	0.1	0.2	1.0	99.0
TOTAL		952							
	Students		616,403	198	120,537	694	979	122,408	493,995
	Horiz. Pct		100.0	0.0	19.6	0.1	0.2	19.9	80.1
	Teachers		23,876	8	3,293	34	36	3,371	20,505
	Horiz. Pct		100.0	0.0	13.8	0.1	0.1	14.1	85.9

State	SMSA	Schools	Total	American Indian	Negro	Oriental	Spanish American	Minority Total	Other
Nebraska	Omaha, Nebr-Iowa	51							
	Students		21,100	13	187	4	123	327	20,773
	Horiz. Pct		100.0	0.1	0.9	0.0	0.6	1.5	98.5
	Teachers		901	0	2	1	2	5	896
	Horiz. Pct		100.0	0.0	0.2	0.1	0.2	0.6	99.4
TOTAL									
New Hampshire	Manchester	129							
	Students		53,309	7	160	76	63	307	53,003
	Horiz. Pct		100.0	0.0	0.3	0.1	0.1	0.6	99.4
	Teachers		2,320	0	4	0	5	9	2,310
	Horiz. Pct		100.0	0.0	0.2	0.0	0.2	0.4	99.6
TOTAL		185							
	Students		80,352	20	490	133	129	771	79,580
	Horiz. Pct		100.0	0.0	0.6	0.2	0.2	1.0	99.0
	Teachers		3,515	0	5	0	9	14	3,501
	Horiz. Pct		100.0	0.0	0.2	0.0	0.3	0.4	99.6
New Jersey	Atlantic City	83							
	Students		33,155	3	8,466	39	759	9,267	23,888
	Horiz. Pct		100.0	0.0	25.5	0.1	2.3	28.0	72.0
	Teachers		1,331	0	212	0	0	212	1,119
	Horiz. Pct		100.0	0.0	16.0	0.0	0.0	16.0	84.0
	Jersey City	102							
	Students		90,295	29	17,684	184	15,290	33,187	57,108
	Horiz. Pct		100.0	0.0	19.6	0.2	16.9	36.8	63.2
	Teachers		3,779	1	213	4	12	230	3,549
	Horiz. Pct		100.0	0.0	5.6	0.1	0.3	6.1	93.9

State	SMSA	Schools	Total	American Indian	Negro	Oriental	Spanish American	Minority Total	Other
New Jersey (Cont.)	Newark	560							
	Students		364,068	41	91,378	810	10,904	103,133	260,935
	Horiz. Pct.		100.0	0.0	25.1	0.2	3.0	28.3	71.7
	Teachers		16,790	1	1,641	19	41	1,703	15,087
	Horiz. Pct		100.0	0.0	9.8	0.1	0.2	10.1	89.9
	Paterson-Clifton-Passaic	397							
	Students		253,500	25	20,263	545	7,398	28,231	225,269
	Horiz. Pct		100.0	0.0	8.0	0.2	2.9	11.1	88.9
	Teachers		11,693	0	446	11	37	495	11,198
	Horiz. Pct		100.0	0.0	3.8	0.1	0.3	4.2	95.8
	Trenton	89							
	Students		56,293	24	14,251	127	983	15,384	40,909
	Horiz. Pct		100.0	0.0	25.3	0.2	1.7	27.3	72.7
	Teachers		2,602	0	274	6	3	283	2,319
	Horiz. Pct		100.0	0.0	10.5	0.2	0.1	10.9	89.1
	Vineland	54							
	Students		28,307	12	6,154	128	1,414	7,708	20,599
	Horiz. Pct		100.0	0.0	21.7	0.5	5.0	27.2	72.8
	Teachers		1,138	3	69	5	1	78	1,060
	Horiz. Pct		100.0	0.3	6.1	0.5	0.1	6.9	93.1
TOTAL		1,687							
	Students		1,048,368	175	184,583	2,382	40,036	227,176	821,192
	Horiz. Pct		100.0	0.0	17.6	0.2	3.8	21.7	78.3
	Teachers		46,980	9	3,629	62	117	3,817	43,163
	Horiz. Pct		100.0	0.0	7.7	0.1	0.2	8.1	91.9
New Mexico	Albuquerque	111							
	Students		79,669	1,704	1,897	207	28,151	31,959	47,710
	Horiz. Pct		100.0	2.1	2.4	0.3	35.3	40.1	59.9
	Teachers		2,851	16	38	1	365	420	2,431
	Horiz. Pct		100.0	0.6	1.3	0.0	12.8	14.7	85.3

State	SMSA	Schools	Total	American Indian	Negro	Oriental	Spanish American	Minority Total	Other
New Mexico (Cont.) TOTAL		111							
	Students		79,669	1,704	1,897	207	28,151	31,959	47,710
	Horiz. Pct		100.0	2.1	2.4	0.3	35.3	40.1	59.9
	Teachers		2,851	16	38	1	365	420	2,431
	Horiz. Pct		100.0	0.6	1.3	0.0	12.8	14.7	85.3
New York	Albany-Schenectady-Troy	246							
	Students		136,446	74	6,525	201	200	7,000	129,446
	Horiz. Pct		100.0	0.1	4.8	0.1	0.1	5.1	94.9
	Teachers		6,426	0	64	6	12	82	6,344
	Horiz. Pct		100.0	0.0	1.0	0.1	0.2	1.3	98.7
	Binghamton, N.Y.-Pa.	127							
	Students		74,891	23	637	64	45	769	74,122
	Horiz. Pct		100.0	0.0	0.9	0.1	0.1	1.0	99.0
	Teachers		3,497	5	16	5	5	31	3,466
	Horiz. Pct		100.0	0.1	0.5	0.1	0.1	0.9	99.1
	Buffalo	378							
	Students		271,551	1,221	31,328	264	1,816	34,629	236,922
	Horiz. Pct		100.0	0.4	11.5	0.1	0.7	12.8	87.2
	Teachers		11,984	11	378	5	20	414	11,570
	Horiz. Pct		100.0	0.1	3.2	0.0	0.2	3.5	96.5
	New York	1,912							
	Students		1,909,269	1,768	392,465	18,006	256,530	668,769	1,240,500
	Horiz. Pct		100.0	0.1	20.6	0.9	13.4	35.0	65.0
	Teachers		92,430	51	5,162	205	645	6,063	86,367
	Horiz. Pct		100.0	0.1	5.6	0.2	0.7	6.6	93.4
	Rochester	256							
	Students		182,467	161	17,121	212	1,799	19,293	163,174
	Horiz. Pct		100.0	0.1	9.4	0.1	1.0	10.6	89.4
	Teachers		8,347	2	149	4	6	161	8,186
	Horiz. Pct		100.0	0.0	1.8	0.0	0.1	1.9	98.1

State	SMSA	Schools	Total	American Indian	Negro	Oriental	Spanish American	Minority Total	Other
New York									
	Syracuse	225							
	Students		144,624	537	6,847	126	128	7,638	136,986
	Horiz. Pct		100.0	0.4	4.7	0.1	0.1	5.3	94.7
	Teachers		6,583	4	61	7	14	86	6,497
	Horiz. Pct		100.0	0.1	0.9	0.1	0.2	1.3	98.7
	Utica-Rome	150							
	Students		85,394	18	2,800	63	267	3,148	82,246
	Horiz. Pct		100.0	0.0	3.3	0.1	0.3	3.7	96.3
	Teachers		3,860	1	54	4	6	65	3,795
	Horiz. Pct		100.0	0.0	1.4	0.1	0.2	1.7	98.3
TOTAL		3,275							
	Students		2,796,414	3,802	457,722	18,936	260,785	741,245	2,055,169
	Horiz. Pct		100.0	0.1	16.4	0.7	9.3	26.5	73.5
	Teachers		132,760	[illegible]	5,884	236	708	6,902	125,858
	Horiz. Pct		100.0	0.1	4.4	0.2	0.5	5.2	94.8
North Carolina									
	Asheville	47							
	Students		29,765	19	3,472	13	13	3,517	26,248
	Horiz. Pct		100.0	0.1	11.7	0.0	0.0	11.8	88.2
	Teachers		1,117	0	111	0	0	111	1,006
	Horiz. Pct		100.0	0.0	9.9	0.0	0.0	9.9	90.1
	Charlotte	136							
	Students		95,844	113	27,520	42	96	27,771	68,073
	Horiz. Pct		100.0	0.1	28.7	0.0	0.1	29.0	71.0
	Teachers		3,823	2	936	2	2	942	2,881
	Horiz. Pct		100.0	0.1	24.5	0.1	0.1	24.6	75.4
	Durham	67							
	Students		37,875	9	14,035	21	27	14,092	23,783
	Horiz. Pct		100.0	0.0	37.1	0.1	0.1	37.2	62.8
	Teachers		1,526	0	454	0	1	455	1.071
	Horiz. Pct		100.0	0.0	29.8	0.1	0.1	29.8	70.2

State	SMSA	Schools	Total	American Indian	Negro	Oriental	Spanish American	Minority Total	Other
North Carolina (Cont.)	**Fayetteville**	63							
	Students		43,257	664	12,737	50	84	13,535	29,722
	Horiz. Pct		100.0	1.5	29.4	0.1	0.2	31.3	68.7
	Teachers		1,615	13	454	0	0	467	1,148
	Horiz. Pct		100.0	0.8	28.1	0.0	0.0	28.9	71.1
	Greensboro-High Point	201							
	Students		139,156	261	32,399	32	34	32,726	106,430
	Horiz. Pct		100.0	0.2	23.3	0.0	0.0	23.5	76.5
	Teachers		5,363	6	1,[illegible]66	0	4	1,176	4,187
	Horiz. Pct		100.0	0.1	21.7	0.0	0.1	21.9	78.1
	Raleigh	84							
	Students		49,083	44	13,853	52	39	13,988	35,095
	Horiz. Pct		100.0	0.1	28.2	0.1	0.1	28.5	71.5
	Teachers		2,071	1	572	0	1	574	1,497
	Horiz. Pct		100.0	0.0	27.6	0.0	0.0	27.7	72.3
	Wilmington	35							
	Students		25,283	38	7,850	12	21	7,921	17,362
	Horiz. Pct		100.0	0.2	31.0	0.0	0.1	31.3	68.7
	Teachers		974	0	280	1	1	282	692
	Horiz. Pct		100.0	0.0	28.7	0.1	0.1	29.0	71.0
TOTAL		638							
	Students		420,263	1,148	111,866	222	314	113,550	306,713
	Horiz. Pct		100.0	0.3	26.6	0.1	0.1	27.0	73.0
	Teachers		16,489	22	3,973	3	9	4,007	12,482
	Horiz. Pct		100.0	0.1	24.1	0.0	0.1	24.3	75.7
North Dakota									
	Fargo-Moorhead, N.Dak Minn	55							
	Students		26,284	53	3	31	191	278	26,006
	Horiz. Pct		100.0	0.2	0.0	0.1	0.7	1.1	98.9
	Teachers		1,128	0	0	0	0	0	1,128
	Horiz. Pct		100.0	0.0	0.0	0.0	0.0	0.0	100.0
TOTAL		27							
	Students		14,159	23	1	18	20	62	14,097
	Horiz. Pct		100.0	0.2	0.0	0.1	0.1	0.4	99.6
	Teachers		572	0	0	0	0	0	572
	Horiz. Pct		100.0	0.0	0.0	0.0	0.0	0.0	100.0

State	SMSA	Schools	Total	American Indian	Negro	Oriental	Spanish American	Minority Total	Other
Ohio	Akron	229							
	Students		157,480	33	16,830	176	120	17,159	140,321
	Horiz. Pct		100.0	0.0	10.7	0.1	0.1	10.9	89.1
	Teachers		5,989	0	182	5	9	196	5,793
	Horiz. Pct		100.0	0.0	3.0	0.1	0.2	3.3	96.7
	Canton	140							
	Students		84,327	27	7,043	52	228	7,350	76,977
	Horiz. Pct		100.0	0.0	8.4	0.1	0.3	8.7	91.3
	Teachers		3,331	2	74	2	8	86	3,245
	Horiz. Pct		100.0	0.1	2.2	0.1	0.2	2.6	97.4
	Cincinnati, Ohio-Kentucky-Ind.	405							
	Students		284,743	65	43,607	307	317	44,296	240,447
	Horiz. Pct		100.0	0.0	15.3	0.1	0.1	15.6	84.4
	Teachers		10,851	1	875	14	9	899	9,952
	Horiz. Pct		100.0	0.0	8.1	0.1	0.1	8.3	91.7
	Cleveland	575							
	Students		423,815	173	97,596	769	2,657	101,195	322,620
	Horiz. Pct		100.0	0.0	23.0	0.2	0.6	23.9	76.1
	Teachers		16,584	6	2,236	19	19	2,280	14,304
	Horiz. Pct		100.0	0.0	13.5	0.1	0.1	13.7	86.3
	Columbus	329							
	Students		205,158	49	30,367	362	235	31,013	174,145
	Horiz. Pct		100.0	0.0	14.8	0.2	0.1	15.1	84.9
	Teachers		7,690	1	527	8	7	543	7,147
	Horiz. Pct		100.0	0.0	6.9	0.1	0.1	7.1	92.9
	Dayton	283							
	Students		201,471	42	27,453	284	296	28,075	173,396
	Horiz. Pct		100.0	0.0	13.6	0.1	0.1	13.9	86.1
	Teachers		7,739	0	796	7	6	809	6,930
	Horiz. Pct		100.0	0.0	10.3	0.1	0.1	10.5	89.5

State	SMSA	Schools	Total	American Indian	Negro	Oriental	Spanish American	Minority Total	Other
Ohio (Cont.)	Hamilton-Middletown	80							
	Students		51,663	23	3,677	28	32	3,760	47,903
	Horiz. Pct		100.0	0.0	7.1	0.1	0.1	7.3	92.7
	Teachers		2,096	1	45	3	1	50	2,046
	Horiz. Pct		100.0	0.0	2.1	0.1	0.0	2.4	97.6
	Lima	85							
	Students		40,268	6	3,032	34	797	3,869	36,399
	Horiz. Pct		100.0	0.0	7.5	0.1	2.0	9.6	90.4
	Teachers		1,629	1	56	2	2	61	1,568
	Horiz. Pct		100.0	0.1	3.4	0.1	0.1	3.7	96.3
	Lorain-Elyria	102							
	Students		62,314	55	5,445	50	2,779	8,329	53,985
	Horiz. Pct		100.0	0.1	8.7	0.1	4.5	13.4	86.6
	Teachers		2,295	0	78	2	6	86	2,209
	Horiz. Pct		100.0	0.0	3.4	0.1	0.3	3.7	96.3
	Mansfield	55							
	Students		33,049	13	2,393	23	94	2,523	30,526
	Horiz. Pct		100.0	0.0	7.2	0.1	0.3	7.6	92.4
	Teachers		1,386	2	13	0	5	20	1,366
	Horiz. Pct		100.0	0.1	0.9	0.0	0.4	1.4	98.6
	Springfield	66							
	Students		36,817	23	4,006	41	34	4,104	32,713
	Horiz. Pct		100.0	0.1	10.9	0.1	0.1	11.1	88.9
	Teachers		1,370	0	53	2	0	55	1,315
	Horiz. Pct		100.0	0.0	3.9	0.1	0.0	4.0	96.0
	Steubenville-Weirton, Ohio, W.Va	92							
	Students		37,550	13	2,137	28	21	2,199	35,351
	Horiz. Pct		100.0	0.0	5.7	0.1	0.1	5.9	94.1
	Teachers		1,493	1	29	2	2	34	1,459
	Horiz. Pct		100.0	0.1	1.9	0.1	0.1	2.3	97.7
	Toledo, Ohio -Mich	226							
	Students		143,660	55	17,372	161	2,828	20,416	123,244
	Horiz. Pct		100.0	0.0	12.1	0.1	2.0	14.2	85.8
	Teachers		5,551	1	387	7	13	408	5,143
	Horiz. Pct		100.0	0.0	7.0	0.1	0.2	7.4	92.6

State	SMSA	Schools	Total	American Indian	Negro	Oriental	Spanish American	Minority Total	Other
Ohio (Cont.)	Youngstown-Warren	212							
	Students		116,538	25	15,866	118	1,152	17,161	99,377
	Horiz. Pct		100.0	0.0	13.6	0.1	1.0	14.7	85.3
	Teachers		4,514	0	110	4	8	122	4,392
	Horiz. Pct		100.0	0.0	2.4	0.1	0.2	2.7	97.3
TOTAL		2,766							
	Students		1,810,741	585	275,281	2,419	11,012	289,297	1,521,444
	Horiz. Pct		100.0	0.0	15.2	0.1	0.6	16.0	84.0
	Teachers		69,877	14	5,419	75	90	5,598	64,279
	Horiz. Pct		100.0	0.0	7.8	0.1	0.1	8.0	92.0
Oklahoma	Lawton	42							
	Students		21,892	1,264	2,490	342	661	4,757	17,135
	Horiz. Pct		100.0	5.8	11.4	1.6	3.0	21.7	78.3
	Teachers		871	12	48	0	3	63	808
	Horiz. Pct		100.0	1.4	5.5	0.0	0.3	7.2	92.8
	Oklahoma City	44							
	Students		24,508	482	293	30	71	876	23,632
	Horiz. Pct		100.0	2.0	1.2	0.1	0.3	3.6	96.4
	Teachers		984	12	8	0	0	20	964
	Horiz. Pct		100.0	1.3	0.8	0.0	0.0	2.1	97.9
	Tulsa	31							
	Students		10,740	356	731	16	15	1,118	9,622
	Horiz. Pct		100.0	3.3	6.8	0.1	o.1	10.4	89.6
	Teachers		416	3	14	0	0	18	399
	Horiz. Pct		100.0	0.8	3.4	0.0	0.0	4.2	95.8
TOTAL		117							
	Students		57,140	2,103	3,514	388	747	6,751	50,389
	Horiz. Pct		100.0	3.7	6.1	0.7	1.3	11.8	88.2
	Teachers		2,271	28	70	0	3	101	2,170
	Horiz. Pct		100.0	1.2	3.1	0.0	0.1	4.4	95.6

State	SMSA	Schools	Total	American Indian	Negro	Oriental	Spanish American	Minority Total	Other
Oregon	Portland, Ore-Washington	302							
	Students		176,385	539	6,672	1,509	1,222	9,941	166,444
	Horiz. Pct		100.0	0.3	3.8	0.9	0.7	5.6	94.4
	Teachers		7,326	17	85	47	14	163	7,163
	Horiz. Pct		100.0	0.2	1.2	0.6	0.2	2.2	97.8
	Salem	24							
	Students		6,368	19	23	13	295	349	6,019
	Horiz. Pct		100.0	0.3	0.4	0.2	4.6	5.5	94.5
	Teachers		309	0	0	0	0	0	309
	Horiz. Pct		100.0	0.0	0.0	0.0	0.0	0.0	100.0
TOTAL		273							
	Students		151,861	449	6,550	1,432	1,429	9,860	142,002
	Horiz. Pct		100.0	0.3	4.3	0.9	0.9	6.5	93.5
	Teachers		6,506	13	79	38	14	144	6,362
	Horiz. Pct		100.0	0.2	1.2	0.6	0.2	2.2	97.8
ennsylvania	Allentown-Bethlehem-Easton, Pa.-N.J.	210							
	Students		107,150	9	1,673	110	1,248	3,040	104,110
	Horiz. Pct		100.0	0.0	1.6	0.1	1.2	2.8	97.2
	Teachers		4,255	0	22	1	7	30	4,225
	Horiz. Pct		100.0	0.0	0.5	0.0	0.2	0.7	99.3
	Altoona	54							
	Students		27,232	2	245	14	5	266	26,967
	Horiz. Pct		100.0	0.0	0.9	0.1	0.0	1.0	99.0
	Teachers		1,016	0	5	0	0	5	1,011
	Horiz. Pct		100.0	0.0	0.5	0.0	0.0	0.5	99.5
	Erie	90							
	Students		57,297	18	3,006	47	83	3,155	54,142
	Horiz. Pct		100.0	0.0	5.2	0.1	0.1	5.5	94.5
	Teachers		2,210	0	12	0	1	14	2,196
	Horiz. Pct		100.0	0.0	0.6	0.0	0.1	0.6	99.4

State	SMSA	Schools	Total	American Indian	Negro	Oriental	Spanish American	Minority Total	Other
Pennsylvania (Cont.)	Harrisburg	186							
	Students		95,209	13	7,976	116	151	8,256	86,953
	Horiz. Pct		100.0	0.0	8.4	0.1	0.2	8.7	91.3
	Teachers		3,999	0	119	0	7	126	3,873
	Horiz. Pct		100.0	0.0	3.0	0.0	0.2	3.1	96.9
	Johnston	142							
	Students		57,007	0	1,182	18	36	1,236	55,770
	Horiz. Pct		100.0	0.0	2.1	0.0	0.1	2.2	97.8
	Teachers		2,314	0	7	0	3	10	2,304
	Horiz. Pct		100.0	0.0	0.3	0.0	0.1	0.4	99.6
	Lancaster	142							
	Students		68,704	9	1,547	56	606	2,218	66,487
	Horiz. Pct		100.0	0.0	2.3	0.1	0.9	3.2	96.8
	Teachers		2,913	0	14	2	6	22	2,892
	Horiz. Pct		100.0	0.0	0.5	0.1	0.2	0.7	99.3
	Philadelphia, Pa.-New Jersey	1,182							
	Students		846,801	139	218,129	1,209	11,394	230,871	615,930
	Horiz. Pct		100.0	0.0	25.8	0.1	1.3	27.3	72.7
	Teachers		35,685	9	4,865	46	59	4,979	30,706
	Horiz. Pct		100.0	0.0	13.6	0.1	0.2	14.0	86.0
	Pittsburgh	924							
	Students		464,489	92	46,271	598	370	47,331	417,158
	Horiz. Pct		100.0	0.0	10.0	0.1	0.1	10.2	89.8
	Teachers		18,536	0	446	5	10	461	18,074
	Horiz. Pct		100.0	0.0	2.4	0.0	0.1	2.5	97.5
	Reading	132							
	Students		64,605	23	1,852	43	598	2,516	62,089
	Horiz. Pct		100.0	0.0	2.9	0.1	0.9	3.9	96.1
	Teachers		2,649	0	16	0	2	18	2,631
	Horiz. Pct		100.0	0.0	0.6	0.0	0.1	0.7	99.3

State	SMSA	Schools	Total	American Indian	Negro	Oriental	Spanish American	Minority Total	Other
Pennsylvania (Cont.)	Scranton	87							
	Students		39,955	0	264	6	12	283	39,673
	Horiz. Pct		100.0	0.0	0.7	0.0	0.0	0.7	99.3
	Teachers		1,543	0	4	0	0	4	1,539
	Horiz. Pct		100.0	0.0	0.3	0.0	0.0	0.3	99.7
	Wilkes-Barre-Hazleton	137							
	Students		56,558	17	314	25	18	374	56,184
	Horiz. Pct		100.0	0.0	0.6	0.0	0.0	0.7	99.3
	Teachers		2,300	0	1	0	0	1	2,299
	Horiz. Pct		100.0	0.0	0.0	0.0	0.0	0.0	100.0
	York	142							
	Students		68,974	2	2,641	31	110	2,783	66,191
	Horiz. Pct		100.0	0.0	3.8	0.0	0.2	4.0	96.0
	Teachers		2,961	0	21	2	1	24	2,936
	Horiz. Pct		100.0	0.0	0.7	0.1	0.0	0.8	99.2
TOTAL		3.075							
	Students		1,752,012	283	260,586	1,729	11,549	274,146	1,477,866
	Horiz. Pct		100.0	0.0	14.9	0.1	0.7	15.6	84.[illegible]
	Teachers		71,674	5	4,782	41	76	4,904	66,7[illegible]
	Horiz. Pct		100.0	0.0	6.7	0.1	0.1	6.8	9[illegible].2
Rhode Island	Providence-Pawtucket-Warwick, R.I.-Mass.	324							
	Students		158,802	123	7,085	322	412	7,942	150,860
	Horiz. Pct		100.0	0.1	4.5	0.2	0.3	5.0	95.0
	Teachers		6,919	0	60	5	2	67	6,852
	Horiz. Pct		100.0	0.0	0.9	0.1	0.0	1.0	99.0
TOTAL		355							
	Students		172,264	143	8,047	417	490	9,098	163,166
	Horiz. Pct		100.0	0.1	4.7	0.2	0.3	5.3	94.7
	Teachers		7,584	0	70	6	4	80	7,504
	Horiz. Pct		100.0	0.0	0.9	0.1	0.1	1.1	98.9

State	SMSA	Schools	Total	American Indian	Negro	Oriental	Spanish American	Minority Total	Other
South Carolina	Charleston	118							
	Students		75,628	11	33,437	68	57	33,573	42,055
	Horiz. Pct		100.0	0.0	44.2	0.1	0.1	44.4	55.6
	Teachers		2,841	1	1,114	2	3	1,120	1,721
	Horiz. Pct		100.0	0.0	39.2	0.1	0.1	39.4	60.6
	Columbia	112							
	Students		69,810	15	23,983	62	118	24,178	45,632
	Horiz. Pct		100.0	0.0	34.4	0.1	0.2	34.6	65.4
	Teachers		2,782	0	776	2	1	779	2,003
	Horiz. Pct		100.0	0.0	27.9	0.1	0.0	28.0	72.0
	Greenville	136							
	Students		69,290	3	14,025	7	2	14,037	55,253
	Horiz. Pct		100.0	0.0	20.2	0.0	0.0	20.3	79.7
	Teachers		2,601	0	454	0	0	454	2,147
	Horiz. Pct		100.0	0.0	17.5	0.0	0.0	17.5	82.5
TOTAL		421							
	Students		239,390	29	78,910	140	181	79,260	160,130
	Horiz. Pct		100.0	0.0	33.0	0.1	0.1	33.1	66.9
	Teachers		9,169	1	2,580	4	4	2,589	6,580
	Horiz. Pct		100.0	0.0	28.1	0.0	0.0	28.2	71.8
South Dakota	Sioux Falls	43							
	Students		24,130	129	33	18	19	199	23,931
	Horiz. Pct		100.0	0.5	0.1	0.1	0.1	0.8	99.2
	Teachers		1,008	1	1	0	1	3	1,005
	Horiz. Pct		100.0	0.1	0.1	0.0	0.1	0.3	99.7
TOTAL		43							
	Students		24,130	129	33	18	19	199	23,931
	Horiz. Pct		100.0	0.5	0.1	0.1	0.1	0.8	99.2
	Teachers		1,008	1	1	0	1	3	1,005
	Horiz. Pct		100.0	0.1	0.1	0.0	0.1	0.3	99.7

State	SMSA	Schools	Total	American Indian	Negro	Oriental	Spanish American	Minority Total	Other
Tennessee	Chattanooga, Tenn-Georgia	129							
	Students		69,182	9	15,336	39	15	15,399	53,783
	Horiz. Pct		100.0	0.0	22.2	0.1	0.0	22.3	77.7
	Teachers		2,527	0	494	0	1	495	2,032
	Horiz. Pct		100.0	0.0	19.5	0.0	0.0	19.6	80.4
	Knoxville	179							
	Students		90,667	66	7,845	45	31	7,988	82,580
	Horiz. Pct		100.0	0.1	8.7	0.0	0.0	8.8	91.2
	Teachers		3,435	0	234	0	0	234	3,201
	Horiz. Pct		100.0	0.0	6.8	0.0	0.0	6.8	93.2
	Memphis, Tenn.-Ark.	204							
	Students		183,080	46	89,041	251	96	89,434	93,646
	Horiz. Pct		100.0	0.0	48.6	0.1	0.1	48.8	51.2
	Teachers		6,725	1	2,842	1	1	2,845	3,880
	Horiz. Pct		100.0	0.0	42.3	0.0	0.0	42.3	57.7
	Nashville	190							
	Students		114,299	18	25,049	54	49	25,170	89,129
	Horiz. Pct		100.0	0.0	21.9	0.0	0.0	22.0	78.0
	Teachers		4,227	0	8.6	0	1	817	3,410
	Horiz. Pct		100.0	0.0	19.3	0.0	0.0	19.3	80.7
TOTAL		651							
	Students		432,393	139	129,112	379	184	129,815	302,579
	Horiz. Pct		100.0	0.0	29.9	0.1	0.0	30.0	70.0
	Teachers		15,972	1	4,116	1	2	4,120	11,852
	Horiz. Pct		100.0	0.0	25.8	0.0	0.0	25.8	74.2
Texas	Abilene	56							
	Students		26,095	5	1,727	22	3,235	4,989	21,106
	Horiz. Pct		100.0	0.0	6.6	0.1	12.4	19.1	80.9
	Teachers		1,137	0	36	0	7	43	1,094
	Horiz. Pct		100.0	0.0	3.2	0.0	0.6	3.8	96.2

State	SMSA	Schools	Total	American Indian	Negro	Oriental	Spanish American	Minority Total	Other
Texas (Cont.)	Amarillo	56							
	Students		34,567	4	2,228	0	1,682	3,913	30,654
	Horiz. Pct		100.0	0.0	6.4	0.0	4.9	11.3	88.7
	Teachers		1,450	0	68	0	8	76	1,374
	Horiz. Pct		100.0	0.0	4.7	0.0	0.6	5.2	94.8
	Austin	79							
	Students		56,465	22	8,414	100	10,878	19,414	37,052
	Horiz. Pct		100.0	0.0	14.9	0.2	19.3	34.4	65.6
	Teachers		2,426	0	325	3	58	386	2,041
	Horiz. Pct		100.0	0.0	13.4	0.1	2.4	15.9	84.1
	Beaumont-Port Arthur	119							
	Students		79,889	18	19,442	44	1,647	21,150	58,739
	Horiz. Pct.		100.0	0.0	24.3	0.1	2.1	26.5	73.5
	Teachers		3,609	0	730	0	17	747	2,862
	Horiz. Pct.		100.0	0.0	20.2	0.0	0.5	20.7	79.3
	Brownsville-Harlingen-San Benito	72							
	Students		38,757	2	163	43	30,486	30,693	8,064
	Horiz. Pct		100.0	0.0	0.4	0.1	78.7	79.2	20.8
	Teachers		1,534	0	12	3	509	524	1,009
	Horiz. Pct		100.0	0.0	0.8	0.2	33.2	34.2	65.8
	Corpus Christi	127							
	Students		74,802	9	3,541	27	36,404	39,982	34,821
	Horiz. Pct		100.0	0.0	4.7	0.0	48.7	53.4	46.6
	Teachers		3,127	0	81	0	435	516	2,611
	Horiz. Pct		100.0	0.0	2.6	0.0	13.9	16.5	83.5
	Dallas	464							
	Students		322,724	716	60,944	324	17,095	79,079	243,645
	Horiz. Pct		100.0	0.2	18.9	0.1	5.3	24.5	75.5
	Teachers		12,813	7	1,856	2	58	1,923	10,891
	Horiz. Pct		100.0	0.1	14.5	0.0	0.5	15.0	85.0

State	SMSA	Schools	Total	American Indian	Negro	Oriental	Spanish American	Minority Total	Other
Texas (Cont.)	**El Paso**	100							
	Students		96,638	122	2,738	379	54,738	57,977	38,662
	Horiz. Pct		100.0	0.1	2.8	0.4	56.6	60.0	40.0
	Teachers		3,768	2	96	10	592	700	3,068
	Horiz. Pct		100.0	0.1	2.5	0.3	15.7	18.6	81.4
	Fort Worth	236							
	Students		165,875	195	22,936	145	8,056	31,332	134,543
	Horiz. Pct		100.0	0.1	13.8	0.1	4.9	18.9	81.1
	Teachers		6,427	2	759	0	30	791	5,635
	Horiz. Pct		100.0	0.0	11.8	0.0	0.5	12.3	87.7
	Galveston-Texas City	67							
	Students		45,496	168	9,607	66	4,216	14,057	31,439
	Horiz. Pct		100.0	0.4	21.1	0.1	9.3	30.9	69.1
	Teachers		2,001	3	334	0	20	357	1,644
	Horiz. Pct		100.0	0.1	16.7	0.0	1.0	17.8	82.2
	Houston	523							
	Students		466,588	310	104,994	1,318	44,882	151,504	315,084
	Horiz. Pct		100.0	0.1	22.5	0.3	9.6	32.5	67.5
	Teachers		17,993	8	3,506	25	197	3,736	14,257
	Horiz. Pct		100.0	0.0	19.5	0.1	1.1	20.8	79.2
	Laredo	22							
	Students		17,086	0	64	8	15,366	15,438	1,648
	Horiz. Pct		100.0	0.0	0.4	0.0	89.9	90.4	9.6
	Teachers		637	0	1	0	484	485	152
	Horiz. Pct		100.0	0.0	0.2	0.0	76.0	76.1	23.9
	Lubbock	65							
	Students		39,003	13	4,425	17	7,950	12,405	26,598
	Horiz. Pct		100.0	0.0	11.3	0.0	20.4	31.8	68.2
	Teachers		1,628	2	116	1	29	148	1,480
	Horiz. Pct		100.0	0.1	7.1	0.1	1.8	9.1	90.9

State	SMSA	Schools	Total	American Indian	Negro	Oriental	Spanish American	Minority Total	Other
Texas (Cont.)	**McAllen-Pharr Edinburgh**	85							
	Students		43,339	1	90	29	34,891	35,011	8,328
	Horiz. Pct		100.0	0.0	0.2	0.1	80.5	80.8	19.2
	Teachers		1,911	0	6	0	654	660	1,251
	Horiz. Pct		100.0	0.0	0.3	0.0	34.2	34.5	65.5
	Midland	26							
	Students		18,154	0	2,176	6	1,972	4,154	14,000
	Horiz. Pct		100.0	0.0	12.0	0.0	10.9	22.9	77.1
	Teachers		758	0	58	1	9	68	690
	Horiz. Pct		100.0	0.0	7.7	0.1	1.2	9.0	91.0
	Odessa	32							
	Students		24,855	15	1,605	17	3,658	5,295	19,560
	Horiz. Pct		100.0	0.1	6.5	0.1	14.7	21.3	78.7
	Teachers		1,070	0	60	0	15	75	995
	Horiz. Pct		100.0	0.0	5.6	0.0	1.4	7.0	93.0
	San Angelo	29							
	Students		14,885	3	784	5	3,206	3,998	10,887
	Horiz. Pct		100.0	0.0	5.3	0.0	21.5	26.9	73.1
	Teachers		596	0	17	0	6	23	573
	Horiz. Pct		100.0	0.0	2.9	0.0	1.0	3.9	96.1
	San Antonio	255							
	Students		194,591	44	14,759	549	91,137	106,489	88,102
	Horiz. Pct		100.0	0.0	7.6	0.3	46.8	54.7	45.3
	Teachers		7,582	2	668	13	835	1,518	6,064
	Horiz. Pct		100.0	0.0	8.8	0.2	11.0	20.0	80.0
	Sherman-Denison	41							
	Students		16,815	0	1,874	0	16	1,890	14,925
	Horiz. Pct		100.0	0.0	11.1	0.0	0.1	11.2	88.8
	Teachers		714	0	43	0	0	43	671
	Horiz. Pct		100.0	0.0	6.0	0.0	0.0	6.0	94.0

State	SMSA	Schools	Total	American Indian	Negro	Oriental	Spanish American	Minority Total	Other
Texas (Cont.)	Texarkana, Tex.-Ark.	48							
	Students		21,348	6	6,147	4	36	6,193	15,155
	Horiz. Pct		100.0	0.0	28.8	0.0	0.2	29.0	71.0
	Teachers		887	0	209	0	0	209	678
	Horiz. Pct.		100.0	0.0	23.6	0.0	0.0	23.6	76.4
	Tyler	53							
	Students		22,625	0	7,003	17	118	7,138	15,487
	Horiz. Pct		100.0	0.0	31.0	0.1	0.5	31.5	68.5
	Teachers		974	1	253	4	4	262	712
	Horiz. Pct		100.0	0.1	26.0	0.4	0.4	26.9	73.1
	Waco	72							
	Students		31,202	11	6,549	23	2,606	9,189	22,013
	Horiz. Pct		100.0	0.0	21.0	0.1	8.4	29.5	70.5
	Teachers		1,407	0	283	1	5	289	1,118
	Horiz. Pct		100.0	0.0	20.1	0.1	0.4	20.5	79.5
	Wichita Falls	53							
	Students		26,519	40	2,578	56	1,389	4,063	22,456
	Horiz. Pct		100.0	0.2	9.7	0.2	5.2	15.3	84.7
	Teachers		1,154	2	104	0	4	110	1,044
	Horiz. Pct		100.0	0.2	9.0	0.0	0.3	9.5	90.5
TOTAL		2,671							
	Students		1,871,713	1,700	282,730	3,198	375,649	663,277	1,208,436
	Horiz. Pct		100.0	0.1	15.1	0.2	20.1	35.4	64.6
	Teachers		75,341	29	9,556	63	3,976	13.625	61,716
	Horiz. Pct		100.0	0.0	12.7	0.1	5.3	18.1	81.9
Utah	Ogden	57							
	Students		35,867	206	621	273	2,029	3,129	32,738
	Horiz. Pct		100.0	0.6	1.7	0.8	5.7	8.7	91.3
	Teachers		1,358	0	9	10	1	20	1,338
	Horiz. Pct		100.0	0.0	0.7	0.7	0.1	1.5	98.5

State	SMSA	Schools	Total	American Indian	Negro	Oriental	Spanish American	Minority Total	Other
Utah (Cont.)	**Provo-Orem**	71							
	Students		35,401	332	0	64	334	730	34,671
	Horiz. Pct		100.0	0.9	0.0	0.2	0.9	2.1	97.9
	Teachers		1,237	0	0	2	0	2	1,235
	Horiz. Pct		100.0	0.0	0.0	0.2	0.0	0.2	99.8
	Salt Lake City	215							
	Students		159,805	756	795	1,017	5,852	8,420	151,385
	Horiz. Pct		100.0	0.5	0.5	0.6	3.7	5.3	94.7
	Teachers		5,809	1	3	22	19	45	5,764
	Horiz. Pct		100.0	0.0	0.1	0.4	0.3	0.8	99.2
TOTAL		343							
	Students		231,073	1,294	1,416	1,354	8,215	12,279	218,794
	Horiz. Pct		100.0	0.6	0.6	0.6	3.6	5.3	94.7
	Teachers		8,404	1	12	34	20	67	8,337
	Horiz. Pct		100.0	0.0	0.1	0.4	0.2	0.8	99.2
Virginia	**Lynchburg**	62							
	Students		27,497	1	7,423	16	12	7,452	20,045
	Horiz. Pct		100.0	0.0	27.0	0.1	0.0	27.1	72.9
	Teachers		1,169	0	284	1	0	285	884
	Horiz. Pct		100.0	0.0	24.3	0.1	0.0	24.4	75.6
	Newport News-Hampton	87							
	Students		68,670	33	20,339	241	248	20,861	47,809
	Horiz. Pct		100.0	0.0	29.6	0.4	0.4	30.4	69.6
	Teachers		2,767	0	772	0	0	772	1,995
	Horiz. Pct		100.0	0.0	27.9	0.0	0.0	27.9	72.1
	Norfolk-Portsmouth	182							
	Students		148,690	281	48,930	679	511	50,401	98,289
	Horiz. Pct		100.0	0.2	32.9	0.5	0.3	33.9	66.1
	Teachers		5,819	2	1,663	2	3	1,670	4,149
	Horiz. Pct		100.0	0.0	28.6	0.0	0.1	28.7	71.3
	Richmond	168							
	Students		114,573	51	36,760	114	60	36,985	77,588
	Horiz. Pct		100.0	0.0	32.1	0.1	0.1	32.3	67.7
	Teachers		4,820	1	1,315	0	5	1,321	3,499
	Horiz. Pct		100.0	0.0	27.3	0.0	0.1	27.4	72.6

State	SMSA	Schools	Total	American Indian	Negro	Oriental	Spanish American	Minority Total	Other
Virginia (Cont.)	Roanoke	73							
	Students		40,250	5	5,677	6	6	5,694	34,556
	Horiz. Pct		100.0	0.0	14.1	0.0	0.0	14.1	85.9
	Teachers		1,593	0	177	1	1	179	1,414
	Horiz. Pct		100.0	0.0	11.1	0.1	0.1	11.2	88.8
TOTAL		855							
	Students		602,394	496	132,322	2,004	2,045	136,867	465,528
	Horiz. Pct		100.0	0.1	22.0	0.3	0.3	22.7	77.3
	Teachers		24,799	8	4,604	12	28	4,653	20,146
	Horiz. Pct		100.0	0.0	18.6	0.0	0.1	18.8	81.2
Washington	Seattle-Everett	515							
	Students		330,715	1,972	11,224	6,042	2,537	21,775	308,940
	Horiz. Pct		100.0	0.6	3.4	1.8	0.8	6.6	93.4
	Teachers		12,896	16	185	208	22	431	12,465
	Horiz. Pct		100.0	0.1	1.4	1.6	0.2	3.3	96.7
	Spokane	126							
	Students		62,054	428	760	483	283	1,954	60,100
	Horiz. Pct		100.0	0.7	1.2	0.8	0.5	3.1	96.9
	Teachers		2,361	4	8	7	4	23	2,338
	Horiz. Pct		100.0	0.2	0.3	0.3	0.2	1.0	99.0
	Tacoma	172							
	Students		93,174	788	4,961	1,779	758	8,286	84,888
	Horiz. Pct		100.0	0.8	5.3	1.9	0.8	8.9	91.1
	Teachers		3,576	6	69	22	11	108	3,468
	Horiz. Pct		100.0	0.2	1.9	0.6	0.3	3.0	97.0
TOTAL		866							
	Students		516,835	3,296	17,090	8,394	3,666	32,446	484,389
	Horiz. Pct		100.0	0.6	3.3	1.6	0.7	6.3	93.7
	Teachers		19,962	30	268	246	37	581	19,381
	Horiz. Pct		100.0	0.2	1.3	1.2	0.2	2.9	97.1

State	SMSA	Schools	Total	American Indian	Negro	Oriental	Spanish American	Minority Total	Other
West Virginia	Charleston	148							
	Students		56,118	25	3,548	57	26	3,656	52,462
	Horiz. Pct		100.0	0.0	6.3	0.1	0.0	6.5	93.5
	Teachers		2,179	1	142	1	1	145	2,034
	Horiz. Pct		100.0	0.0	6.5	0.0	0.0	6.7	93.3
	Huntington-Ashland, W. Va.-Ky-Ohio	150							
	Students		57,527	9	1,754	11	12	1,786	55,741
	Horiz. Pct		100.0	0.0	3.0	0.0	0.0	3.1	96.9
	Teachers		2,333	0	29	1	0	30	2,303
	Horiz. Pct		100.0	0.0	1.2	0.0	0.0	1.3	98.7
	Wheeling, W.Va-Ohio	95							
	Students		33,264	12	953	30	11	1,006	32,258
	Horiz. Pct		100.0	0.0	2.9	0.1	0.0	3.0	97.0
	Teachers		1,316	0	15	0	0	15	1,301
	Horiz. Pct		100.0	0.0	1.1	0.0	0.0	1.1	98.9
TOTAL		324							
	Students		119,802	43	5,632	96	56	5,827	113,975
	Horiz. Pct		100.0	0.0	4.7	0.1	0.0	4.9	95.1
	Teachers		4,866	2	191	2	2	197	4,669
	Horiz. Pct		100.0	0.0	3.9	0.0	0.0	4.0	96.0
Wisconsin	Green Bay	76							
	Students		34,040	556	13	16	76	661	33,379
	Horiz. Pct		100.0	1.6	0.0	0.0	0.2	1.9	98.1
	Teachers		1,375	3	0	1	0	4	1,371
	Horiz. Pct		100.0	0.2	0.0	0.1	0.0	0.3	99.7
	Kenosha	45							
	Students		25,011	21	708	29	500	1,258	23,753
	Horiz. Pct		100.0	0.1	2.8	0.1	2.0	5.0	95.0
	Teachers		1,109	1	7	2	10	20	1,089
	Horiz. Pct		100.0	0.1	0.6	0.2	0.9	1.8	98.2

State	SMSA	Schools	Total	American Indian	Negro	Oriental	Spanish American	Minority Total	Other
Wisconsin (Cont.)	Madison	124							
	Students		60,595	34	640	162	110	946	59,649
	Horiz. Pct		100.0	0.1	1.1	0.3	0.2	1.6	98.4
	Teachers		2,699	0	11	4	3	18	2,681
	Horiz. Pct		100.0	0.0	0.4	0.1	0.1	0.7	99.3
	Milwaukee	184							
	Students		76,738	119	37	77	564	797	75,941
	Horiz. Pct		100.0	0.2	0.0	0.1	0.7	1.0	99.0
	Teachers		3,591	1	1	2	2	6	3,585
	Horiz. Pct		100.0	0.0	0.0	0.1	0.1	0.2	99.8
	Racine	20							
	Students		2.963	2	5	4	4	15	2,948
	Horiz. Pct		100.0	0.1	0.2	0.1	0.1	0.5	99.5
	Teachers		128	0	1	0	0	1	127
	Horiz. Pct		100.0	0.0	0.8	0.0	0.0	0.8	99.2
TOTAL		476							
	Students		208,753	839	1,413	295	1,262	3,809	204,944
	Horiz. Pct		100.0	0.4	0.7	0.1	0.6	1.8	98.2
	Teachers		9,329	5	21	9	15	50	9,279
	Horiz. Pct		100.0	0.1	0.2	0.1	0.2	0.5	99.5
U.S. TOTAL		43,168							
	Students		28,337,575	42,241	4,487,451	171,622	1,604,349	6,305,664	22,031,911
	Horiz. Pct		100.0	0.1	15.8	0.6	5.7	22.3	77.7
	Teachers		1,154,046	573	114,300	4,941	10,872	130,686	1,023,359
	Horiz. Pct		100.0	0.0	9.9	0.4	0.9	11.3	88.7

Senator Pell. The hearing is now adjourned. I wish to thank all for the cooperation and any inconvenience caused them by their appearing here.

(Whereupon, at 12:35, the hearing was adjourned.)

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